

BOARD OF ADJUSTMENT

JEFF CHORMAN, CHAIRMAN
KEVIN E. CARSON
JOHN WILLIAMSON
JOHN T. HASTINGS
JORDAN WARFEL



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7878

AGENDA

May 20, 2024

6:00 PM

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of the Minutes for March 18, 2024

Approval of the Findings of Fact for March 18, 2024

Old Business

Case No. 12932 – Scott and Sue Henry

seek variances from the front and rear yard setback requirement for existing structures (Section 115-34 of the Sussex County Zoning Code). The property is located North of Chippiwa Drive and South of Creek Road within the Blackwater Village Subdivision. 911 Address: 34011 Chippiwa Drive, Dagsboro. Zoning District: MR. Tax Parcels: 134-11.00-396.00

Public Hearings

Case No. 12936 – Sea Air Village

seeks variances from the side yard setback and separation distance requirements for proposed structures (Section 115-25 and 115-172 of the Sussex County Zoning Code). The property is located Northwest of Atlantic Avenue and Northeast of Skyview Street within the Sea Air Village Manufactured Home Park, Lot 48. 911 Address: 19980 Atlantic Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcels: 334-13.00-310.00-3144 Lot E-48

Case No. 12938 – Sea Air Village

seeks variances from the separation distance requirements for proposed structures (Section 115-172 of the Sussex County Zoning Code). The property is located South of Golden Avenue and Southwest of Skyview Street within the Sea Air Village Manufactured Home Park, Lot L-61. 911 Address: 20011 Golden Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcels: 334-13.00-310.00-13072 Lot L-61

Case No. 12937 – David Smith and Kenneth Williams Jr.

seek variances from the separation distance requirements for a proposed structure (Section 115-172 of the Sussex County Zoning Code). The property is located Northwest of Atlantic Avenue and Northeast of Parkerview Road within the Sea Air Village Manufactured Home Park, Lot 13. 911 Address: 19905 Atlantic Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcels: 334-13.00-310.00-3156 Lot F-13

Case No. 12939 – Heather Osborne and Kevin Clear

seek a special use exception for a commercial dog kennel (Section 115-23 of the Sussex County Zoning Code). The property is located Southwest of Daisey Road. 911 Address: 34582 Daisey Road, Frankford. Zoning District: AR-1. Tax Parcel: 533-6.00-125.00

Case No. 12940 – William and Vicki Abel

seek a variance from the side yard setback requirements for a proposed structure (Section 115-25 of the Sussex County Zoning Code). The property is located Southeast of White Oak Road within the Dogwood Acres Subdivision. 911 Address: 30852 White Oak Road, Dagsboro. Zoning District: AR-1. Tax Parcels: 134-6.00-43.00

Case No. 12944 – Coastline Properties, LLC

seeks a special use exception for parking and loading requirements and variances from the off-street parking requirements, the front, side and rear setback requirements, and the landscape buffer requirements in the Combined Highway Overlay Zone (CHCOZ) for proposed structures (Section 115-80, 115-162, 115-82 and 115-194.1 of the Sussex County Zoning Code). The property is located East of Tulip Drive, North of Coastal Highway and West of Savannah Road. 911 Address: 97 Tulip Drive, Lewes. Zoning District: C-1. Tax Parcels: 335-11.00-93.00

Additional Business

-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on May 13, 2024. at 4:30 p.m. and at least seven (7) days in advance of the meeting.

The Agenda was prepared by the Director of Planning and Zoning and is subject to change to include the additional or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>

The Board of Adjustment meeting materials, including the “packet” are electronically accessible on the County’s website at: <https://sussexcountyde.gov/>.

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:30 P.M. on May 16, 2024.

####

Board of Adjustment Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Case # 12932
Hearing Date 5-6-2024
20240322
RECEIVED

MAR 07 2024

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)

Site Address of Variance/Special Use Exception:

34011 Chippinwa Dr. Dagsboro DE 19939

Variance/Special Use Exception/Appeal Requested:

An 8'x 8' Front Porch that is over the front setback by 2.5'

Tax Map #: L-34-11.00-396.00

Property Zoning: MR

Applicant Information

Applicant Name: Scott & Sue Henry
Applicant Address: 34011 Chippinwa Dr.
City Dagsboro State DE Zip: 19939
Applicant Phone #: 443-523-4151 Applicant e-mail: salondibella@yahoo.com

Owner Information

Owner Name: Scott & Sue Henry
Owner Address: 34011 Chippinwa Dr.
City Dagsboro State De Zip: 19939 Purchase Date: 9-15-2015
Owner Phone #: 443-523-4151 Owner e-mail: salondibella@yahoo.com

Agent/Attorney Information

Agent/Attorney Name: _____
Agent/Attorney Address: _____
City _____ State _____ Zip: _____
Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Scott Henry Sue Henry

Date: 2-9-24



Fees 22 March 23

Sussex County, DE - BOA Application

Criteria for a Variance: (Please provide a written statement regarding each criteria).

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

the house sits on a corner lot

the house sits on a corner lot

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

it was an existing house on the property when we purchased it in 2015

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

We received the building permit after it was reviewed by Sussex Co. Engineers. If we knew the porch was going to encroach on the setback - we would have modified the plans.

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The front porch conforms with the other houses in the neighborhood. It also enhances the look of our home & has improved the total home to make it more aestically pleasing & enhanced the neighborhood.

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Letter attached

When we went to the courthouse to apply for the building permit, we came prepared with a sketch of the proposed front porch along with the survey of the property, our contractor's license & information. All she asked for was the sketch & a check for the permit application for \$130.00.

We received the permit a few weeks later with 3 inspections required throughout the process & nothing regarding the setback.

All inspections were done & when it came to the final, it did not pass because of the bottom step of the porch being too deep by 2.5 inches. Instead of tearing the steps apart, we spent an additional \$2,000 to raise the cement walkway to meet the specifications of the step height.

We requested another final inspection after the sidewalk was finished. The inspector came out on 12/22/23 & it passed at that time.

On the same day, another inspector came out & told us the porch was encroaching into the front setback by 2.5 feet & told us to request an admin approval because of the error made at the time of the footer inspection.

This should have been addressed at the time of us receiving the building permit. We would have altered our plans at that time.

Since the new porch was put on, we have gotten compliments from all the neighbors walking & driving by, telling us how nice it made our house look.

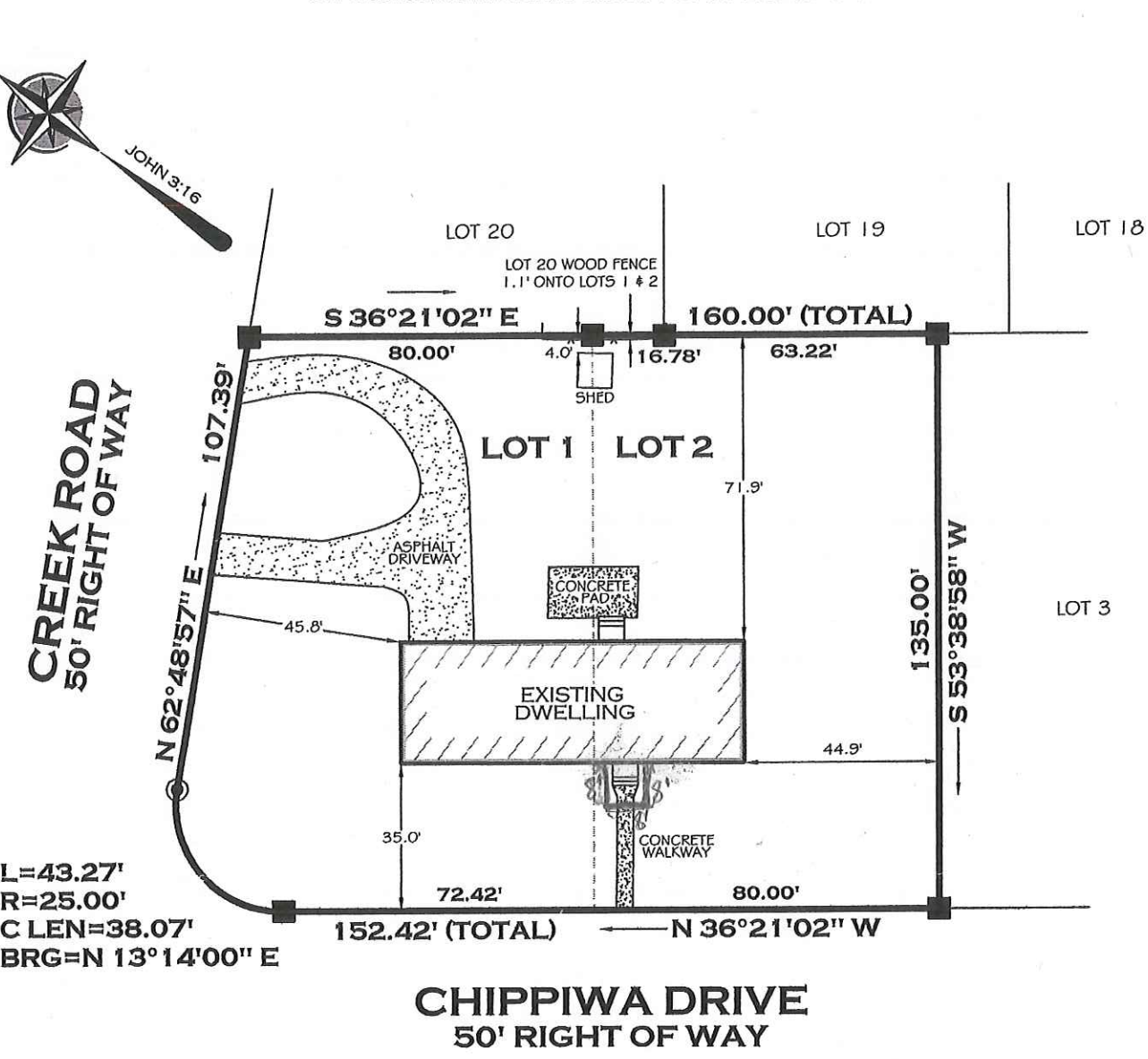
Please consider this when reviewing the adjustment application.

Thank you,

Scott & Sue Henry

2/9/24

ONLY PLANS INCORPORATING AN ORIGINAL EMBOSSED / RED SEAL & SIGNATURE ARE CONSIDERED TO BE OFFICIAL AND RELIED UPON BY THE USER



NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.
3. ALL SIDE AND REAR LOT LINES ARE RESERVED FOR CENTERLINE OF A TEN (10) FOOT DRAINAGE AND/OR UTILITY EASEMENT. (PER PLAT 11 / 82)

Henry L. All

TAX MAP	1-34 - 11.00 - 396.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	22,877 ± SQ. FT.
DEED REF.	4300 / 242
PLAT REF.	11 / 82
DRAWN BY	KTH
DATE	08 / 26 / 15
SCALE	1" = 40'
SURVEY #	DE - 02424

BOUNDARY SURVEY PLAN

**LOTS 1 & 2, BLOCK J
BLACKWATER VILLAGE**

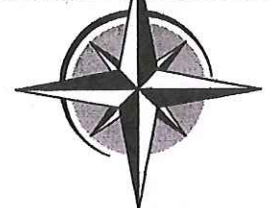
FOR
SCOTT L. HENRY

34011 CHIPPIWA DRIVE, DAGSBORO, DE 19939

LEGEND

- CONCRETE MONUMENT FOUND
- ⊙ IRON ROD W/ CAP SET

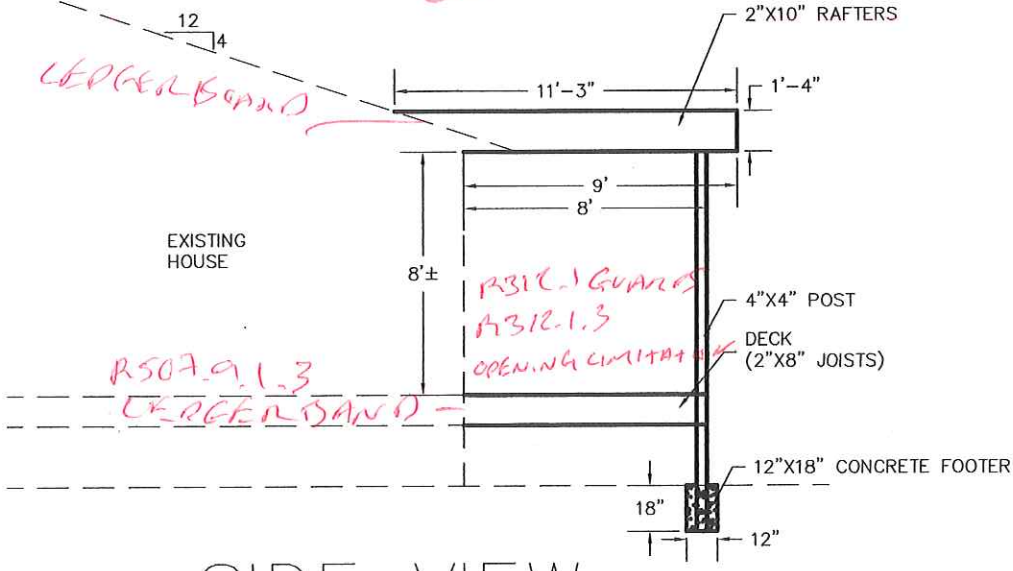
TRUE NORTH



LAND SURVEYING

118 ATLANTIC AVENUE, SUITE 202
OCEAN VIEW, DE 19970
DE: 302-539-2488
MD: 410-430-2092

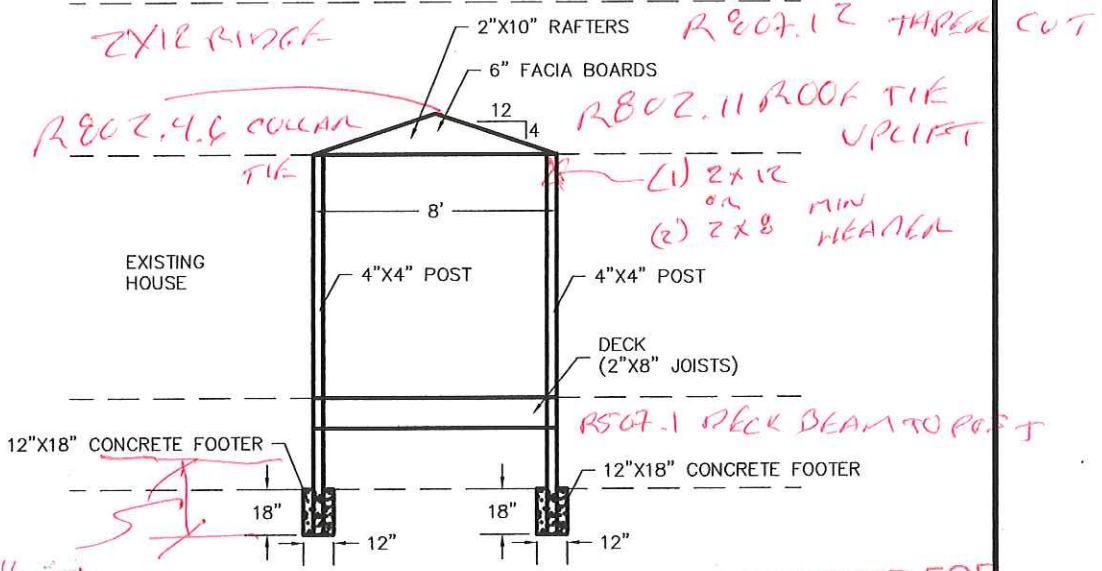
SEE ADDITIONAL
CODE REQUIREMENTS



SIDE VIEW

STEPS:
7 3/4" MAX RISE
10" MIN. TREAD

TO BE KEPT
ON JOB SITE



FRONT VIEW

REVIEWED FOR
CODE COMPLIANCE
DATE 7/10/2025
SIGNED [Signature]

202309147

K:\LCS Surveying\Gonzalez - Chippewa Dr - Dagsboro - Sloop.dwg, 6/26/2023 9:27:34 PM, 1:4

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 134-11.00-396.00 Zoom

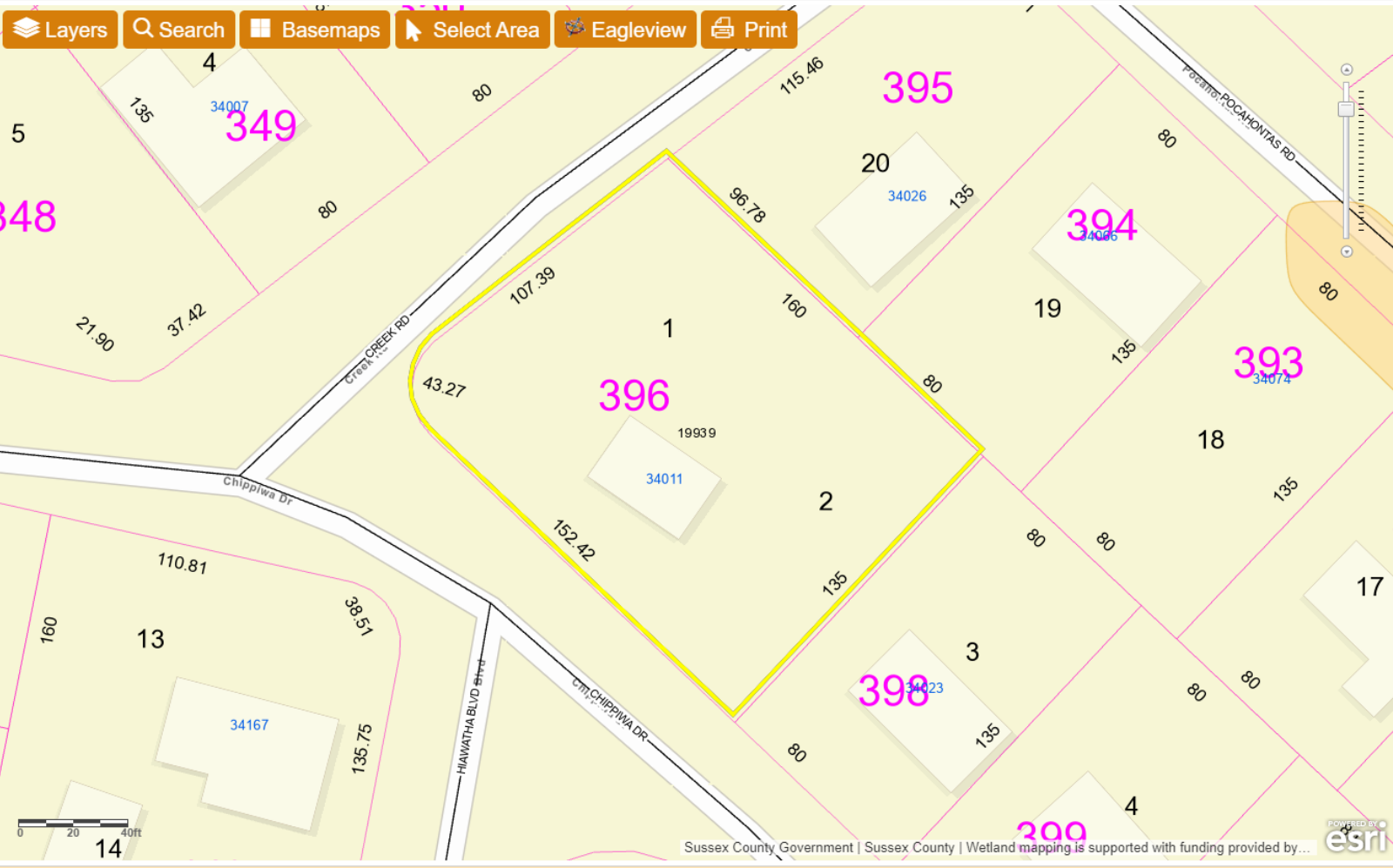
BOOK	5238
PAGE	93
FULLNAME	HENRY SCOTT L
Second_Owner_Name	SUE A HENRY
MAILINGADDRESS	34011 CHIPPIWA DR
CITY	DAGSBORO
STATE	DE
a_account	
DESCRIPTION	BLACKWATER VILLAGE
DESCRIPTION2	LOTS 1 2
DESCRIPTION3	BLK J
LUC	999
SCHOOL	
MUNI	00
CAP	2
APRBLDG	32700
APRLAND	6000
PINWASSEMENTUNIT	134-11.00-396.00
PIN	134-11.00-396.00
ZIPCODE	19939

Navigation icons: back, forward, home, search, refresh, etc.

Selected Features (1)

Clear Selected

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 134-11.00-396.00 Zoom

BOOK	5238
PAGE	93
FULLNAME	HENRY SCOTT L
Second_Owner_Name	SUE A HENRY
MAILINGADDRESS	34011 CHIPPIWA DR
CITY	DAGSBORO
STATE	DE
a_account	
DESCRIPTION	BLACKWATER VILLAGE
DESCRIPTION2	LOTS 1 2
DESCRIPTION3	BLK J
LUC	999
SCHOOL	
MUNI	00
CAP	2
APRBLDG	32700
APRLAND	6000
PINWASSEMENTUNIT	134-11.00-396.00
PIN	134-11.00-396.00
ZIPCODE	19939

Navigation icons: Home, Previous, Up, Down, Next, End

Selected Features (1)

Clear Selected



Search [X]

Search by SUSSEXPARELS -

134-11.00-396.00 [Q]

Search results (1) Options -

▶ 134-11.00-396.00

Workspaces ▾

Dec 22, 2023 at 12:35:13 PM





**Sussex County
Building Permit**
P.O. Box 589
Georgetown, DE 19947
302-855-7720

Application Number
202309147
Issue Date: 07/14/2023
Expire Date: 07/13/2024

Permit Type: RES. ADDITION OUT OF TOWN

Parcel ID	Address	Zone Code
134-11.00-396.00	34011 CHIPPIWA DRIVE	MR

Owner Information	Applicant Information
Name: HENRY SCOTT L Phone: 443-523-4151	Name: HENRY SCOTT L Phone: 443-523-4151

Contractor Information	
Name: HENRY SCOTT L CID: 284655 Phone:	License Number: License Exp. Date: Insurance Exp. Date:

Building Information
Proposed Use: OPEN PORCH Construction Type: Estimated Cost of Construction: \$ 1,000 Cannot Occupy More than _____ of Total Lot Area Distance from any Dwelling of other Ownership: _____ Distance from any other Mobile Home or Accessory Structure: _____

Property Information	
Measurements taken from Property Lines Front Setback: 30.00 / /CHIPPIWA DR Side Setback: 10.00 / / Maximum Building Height: 42 FT FLOOD ZONE Flood Zone: XP495K _____ If Initialed, See Attached Flood Plan Construction Review Coastal and Flood-Prone Area Building Requirements.	Rear Setback: 10.00 / Corner Setback: 15.00 /CREEK RD Location Description: BLACKWATER VILLAGE LOTS 1 2 BLK J

Project Description: RES ADD W/ BC

Scope of Work:
8X8 PORCH ADDITION

Permit Details:

Signature of Approving Official

Signature of Owner/Contractor

I fully understand the Zoning Requirements of this permit.

Building Permit Acknowledgement:

I/we the undersigned, acknowledge I/we have read and accept the terms of this Building Permit and shall comply with the rules and restrictions related to this building activity. This permit shall expire one (1) year from the date of issue. This permit may be renewed prior to its expiration date if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit-holder's control. Grading or surface-shaping of the site shall not be considered as actual construction. I/we further acknowledge, ASSESSORS AND INSPECTORS HAVE A RIGHT TO ENTER AND ACCESS THE PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to Sussex County Officials' right to enter upon said premises during the construction of which this permit is granted, or within a reasonable time thereafter, for the purposes of assessing and inspecting said property. THE APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCY, WHICH MAY PERTAIN TO THIS SITE. AND FURTHER, IT IS ACKNOWLEDGED AND UNDERSTOOD THAT THIS PERMIT MAY BE REVOKED BY SUSSEX COUNTY FOR ANY VIOLATION OF THE TERMS OF THIS PERMIT OR OF ANY COUNTY, STATE OR FEDERAL LAW APPLICABLE TO THIS PERMIT.

Permit Number	BP-210847
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TOTAL FEES:	\$ 10.00
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Building Description

Total Bedrooms:

Heat Type:

Full Baths:

Half Baths:

Roofing:

Total Rooms:

Exterior Walls:

Basement:

Foundation Type:

Interior Walls:

Fireplace Type:

Flooring:

Air Conditioning: N

Additional Requirement/Restrictions

_____ Accessory Building 900 Square Feet or Greater

No more than four (4) vehicles permitted in structure without a Planning & Zoning Hearing.

_____ Agricultural Storage Structures

Storage only. NO LIVESTOCK PERMITTED.

_____ Campgrounds

Must conform to the location approved by the park.

_____ Farm-Use Permits

Prior to issuance of the Certificate of Occupancy, it must be confirmed that the building will be used for farm use only. Otherwise, the permit will be voided and plans must be submitted to the Building Code Department.

_____ Fences

Fence may only be 3.5' tall along the front property line and from the road back to the mandated front yard setback. Thereafter, fence may be a maximum of 7' tall. On corner lots, the fence may only be 3' tall along the corner fronts and 25' from the intersection of property lines. Fence may be installed on property line.

 Parcel Setbacks

All building structures and improvements shall comply with the parcel setback measurement requirements as mandated in the Sussex County Zoning Ordinance. Failure to comply with the parcel setback measurement requirements is a violation.

_____ Pools (Above-Ground)

Must have ladder up and locked at all times when not in use. Pool must be 4' high above grade. If not, a fence is required around perimeter of pool

_____ Pools (In-Ground)

A minimum 4' tall fence must be around the perimeter of the pool. A minimum 3' walkway must be between the pool and fence. Gate must be locked at all times when the pool is not in use.

_____ Pools or Guest Homes

No Cooking facilities of any kind are permitted in the structure. No separate electrical meters are permitted.

_____ Tax Ditch

Property records indicate a State regulated tax ditch appears on this property. All building activity shall comply with the rules and requirements related to State regulated tax ditches and the respective tax ditch easements.

BUILDING CODE

MAIN OFFICE (302) 855-7860
MAIN OFFICE (FAX) (302) 855-7821
buildingcodeinfo@sussexcountyde.gov

INSPECTION OFFICE (302) 858-5500
buildinginspections@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

ANDY WRIGHT
CHIEF OF BUILDING CODE

SINGLE FAMILY INSPECTION REQUIREMENTS

Application # 2023 09 147

FOOTING INSPECTION-

- Prior to pouring concrete
- Minimum of 24" inches below finished grade
- Pole buildings must be a minimum 36" inches below grade
- Re-bar and reinforcement tied and in place (when required)
- Footings free of debris, organic material, and water
- Concrete shall not be placed on frozen soil

*Building Code automatically checks the building setbacks when we perform a footing inspection. However, in some cases, a third-party engineering company may perform a footing inspection. When a third party does the footing inspection you must request a separate "Setback Inspection" from us OR you may provide a sealed foundation as-built survey to the Building Inspection Office before a framing inspection can be scheduled.

PRE-SLAB INSPECTION-

- Required for conditioned areas built on slab on grade
- Perimeter insulation installed prior to pouring slab
- Proof of DE State plumbing inspection MUST be on site

TRACK INSPECTION-

- Required for pre-engineered sunrooms
- Track installed for floor and/or roof panels

HOUSEWRAP/FRAMING INSPECTION-

- Housewrap inspection may be scheduled before the framing inspection as a separate inspection.
- Building is weather tight (roof covering, housewrap, flashing, windows & doors must be installed)
- Electrical and plumbing inspected with stickers on site
- Mechanical ducts and boots installed and sealed
- Draft stopping and fire blocking completed
- Basement waterproofing complete and certification provided
- Certifications for pre-engineered products on site
- Framing inspection before exterior covering is installed
- No insulation is to be installed before framing inspection

- Pole buildings require a header inspection prior to any exterior or interior wall covering is installed
- Plant built portions of modular homes do not require framing inspection but are required a "Close-In" inspection after the units are set and before mating wall have exterior covering installed.
- Site built portions of a modular home project are still required a framing inspection.

ENERGY INSPECTION (DWELLINGS, CONDITIONED ADDITIONS & ACCESSORY STRUCTURES)-

- 2018 Energy compliance ("Res-Check") must be on site.
- Building envelope sealed from all air drafts
- All insulation properly installed.
- Thermal stickers for doors and windows must be in place.
- Modular homes to have all air gaps in mating walls sealed and site-built portion such as: finished cape cods, rooms over garages, additional living spaces...etc.) certification and a permanent certificate must be completed and posted in or around the electric box before final inspection.

FINAL INSPECTION-

- The following items must be on file with Building Inspections BEFORE scheduling final inspection:
 - On-site wastewater/septic completion report (with red stamp) from DNREC
 - DeDOT entrance permit when required on new construction
 - Final elevation certificate (when in flood zone)
- Work is completed
- Electrical and plumbing have been inspected with stickers on site.
- Blower door/energy certification posted in or around electric panel
- Duct blaster certification ONLY if any of duct work is in unconditioned space
- Rough grade for proper drainage away from structure
- Gutters and downspouts installed
- 911 addresses must be posted
- Attic and crawlspace insulation installed
- Must provide access to attic areas



SETBACK INSPECTION-

- Automatically generated when you pass final inspection
- Not required if a Final Survey is provided

CERTIFICATE OF OCCUPANCY-

- Issued when the above documents are received, and Sussex County field inspections are completed. It may take up to 48 hours to process. Please take this into consideration when scheduling your closings.

County approved plans must be kept on job site for inspectors' review to receive an inspection.

Additional inspections after 5 inspections (Except Modular Home Projects without site-built additions) shall be charged \$40.00 per trip and to be paid before the issuance of the certificate of occupancy. Modular Home projects will be charged \$40.00 per trip after 4 inspections.

Before requesting any inspection, all "third party" reports such as; engineered footing reports, piling blow counts, water proofing certificates, stamped truss repairs, and energy certificate reports must be emailed to our Inspection Office at buildinginspections@sussexcountyde.gov. Application number must be included.

Any requested inspection failing to provide any of the above-mentioned reports, will not be scheduled.

TO SCHEDULE INSPECTIONS:
PLEASE CALL 302-858-5500 BETWEEN 7:30 a.m. & 3:00 p.m.
OR USE THE "INSPECTION REQUEST" WEBFORM, FOUND AT THE BOTTOM OF:
sussexcountyde.gov
MUST HAVE APPLICATION NUMBER TO SCHEDULE INSPECTIONS.

All inspections can now be viewed on the County's website using the "Self Service Portal." To access this feature, please visit: sussexcountyde.gov and click on the "Self Service Portal" link at the bottom of the page. You will need to enter your Parcel ID or Application reference number to view all inspection results. Both numbers can be found on your building permit.

SIGNATURE Sue Henry
 PRINT NAME Sue Henry
 PHONE # 443-523-4151
 EMAIL salondibella@yahoo.com

DATE 7-14-23
 OWNER or CONTRACTOR
 Circle one:

Application Entry [Sussex County, DE]

6/30

S

- Back
- Search
- Browse
- Add
- Update
- Print
- Output
- Display
- PDF
- Save
- Excel
- Word
- Email
- Schedule
- Attach
- Map
- Detail
- Overview
- Quick Find

Application

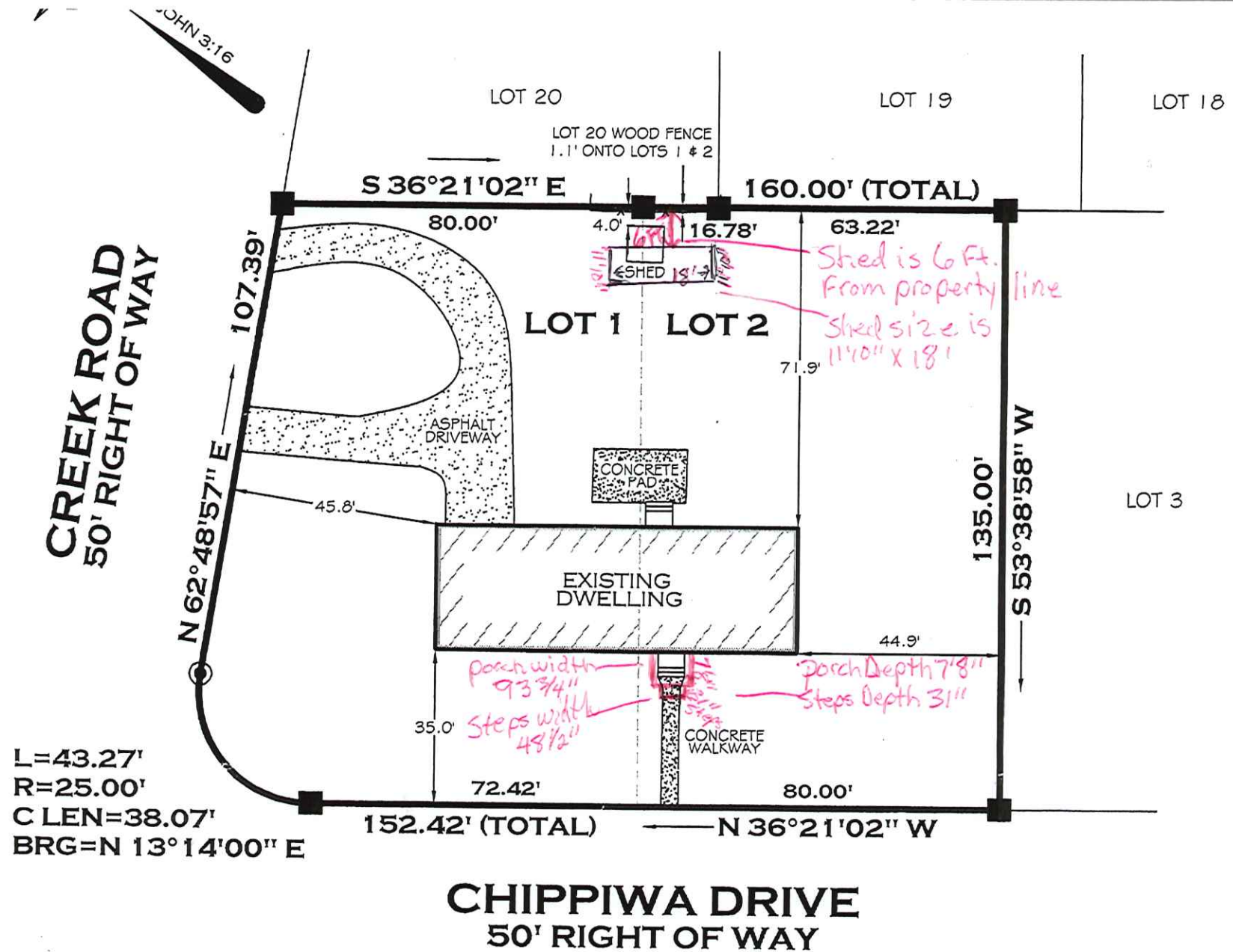
112 - Assessment
 Department: A017 RES ADD W/ BC *
 Project/Activity *
 Application #: 202309147
 Status: A ACTIVE
 Description 1: 8X8 PORCH ADDITION
 Description 2:
 Applicant: O - OWNER
 Estimated cost: 1,000 Fees effective: 06/27/2023
 Owner: 284655 HENRY SCOTT L
 Contractor Business: O - OPEN
 Status code: SUE: 443-523-4151/SALONIBELLA@YAHOO.COM
 Assigned to: MULTIPLE
 Permit:

PROPERTY/USE

Parcel: 134-11.00-396.00
 Location: 34011 CHIPPIWA DRIVE DAGSBORO DE 19939
 Municipality: DA DAGSBORO
 Subdivision:
 Lot/Section/Phase Between and Location desc: BLACKWATER VILLAGE LOTS 1 2 BLK J
 Existing use: zoning memo
 Proposed use: flood zone
 Project Name: \$130,000
 Impervious surface: flood zone
 Zoning: RS RESIDENTIAL SINGLE FAMILY
 MR - MEDIUM-DENSITY RESIDENTIAL
 MR - MEDIUM-DENSITY RESIDENTIAL
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- Prerequisites
- Hazard/Restr
- Plan Reviews
- Inspections
- Dept/Bd Reviews
- Violations
- Contractors
- Names
- Text
- Open Items
- Warnings
- Special Conditions
- Browse History
- Find Related
- Find by Parcel
- Bonds
- Locations
- Parcel IDs
- Septic
- Well
- Parking
- Buffering

Amended
6/30/23



NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. NO TITLE REPORT WAS PROVIDED FOR OUR USE THEREFORE THIS BOUNDARY

Handwritten signature in red ink

Board of Adjustment Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Case # 12936
Hearing Date 5/20/2024
202404087

Type of Application: (please check all applicable)

Variance [checked]
Special Use Exception []
Administrative Variance []
Appeal []

Existing Condition []
Proposed []
Code Reference (office use only)

Site Address of Variance/Special Use Exception:
19980 Atlantic Ave, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

1) Where the proposed AC is 15.2" from the neighboring stairs and 19.2' from the neighboring dwelling on E46. 2) Where the proposed dwelling is 18.3' from the neighboring stairs on E46, 3) 12.9' from the shed on E46, 4) 9.8 from the shed to the rear on D47 and 5) 11.9' from the neighboring dwelling on lot D47. 6) where the proposed shed is 14.5' from the neighboring dwelling on D47, 7) 8.8' from the shed on E50, and 8) 13.9' from the neighboring dwelling on E50. 9) Where the proposed landing is 14.2' from the neighboring AC and 10) 16.9' from the neighboring dwelling on E50.

Tax Map #: 334-13.00-310.00-3144 Property Zoning: _____

Applicant Information

Applicant Name: Sea Air Village- Agent Aimee Bennett
Applicant Address: 19837 Sea Air Ave
City Rehoboth Beach State DE Zip: 19971
Applicant Phone #: (302) 227-8118 Applicant e-mail: abennett2@suncommunities.com

Owner Information

Owner Name: Sea Breeze LP DBA Sea Air Village
Owner Address: 19837 Sea Air Ave
City Rehoboth Beach State DE Zip: 19971 Purchase Date: _____
Owner Phone #: (302) 227-8118 Owner e-mail: abennett2@suncommunities.com

Agent/Attorney Information

Agent/Attorney Name: Aimee Bennett
Agent/Attorney Address: 19837 Sea Air Ave
City Rehoboth Beach State DE Zip: 19971
Agent/Attorney Phone #: (302) 227-8118 Agent/Attorney e-mail: abennett2@suncommunities.com

Signature of Owner/Agent/Attorney

[Handwritten Signature]

Date: 03/25/2024



Sussex County, DE - BOA Application

Criteria for a Variance: (Please provide a written statement regarding each criteria).

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

See Attached

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

See Attached

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

See Attached

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

See Attached

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

See Attached

1. Uniqueness of the property:

- That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to the circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.
- 1-10 The uniquely narrow dimensions of this lot create a challenge placing the manufactured home and maintaining minimum separation between homes and accessory structures. This lot was laid out with others in the community in the 1950's and 1960's prior to the current county requirements for separation distances. The lots sizes are small in comparison with the size of the modern manufactured home. I have selected a standard size floorplan for this home that is comparable to other new homes in the community, but I am still unable to place on the lot with the required setbacks. Although the new home is narrower than the prior combined/total footprint of the home & addition that was removed. The narrow shape of the lot and the previous build out of the surrounding adjacent lots makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood while maintaining compliance with Sussex County's current Zoning Code. In the process of placing this new manufactured home we are addressing/correcting the 5' lot setback which was not previously intact.

2. Cannot otherwise be developed:

- That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- 1-10: Due to the uniqueness of the property, the property cannot be developed in strict conformity with the Sussex County Zoning Code. I propose to place a normal width sized manufactured home that is consistent with other new homes in the community and a standard size shed that is consistent with other new homes in the community but am unable to do so without violating the separation distance requirements between neighboring manufactured homes and accessory structures (ie, sheds). The variances are necessary to enable reasonable use of the property, without said variance the property cannot be developed.

3. Not created by the applicant:

- That such exceptional practical difficulty has not been created by the appellant.
- 1-10: The exceptional practical difficulty was not created by the applicant. The property is quite narrow which greatly limits the buildable area thereof. The neighboring lots are also narrow causing development of nearby lots to be nearer to lot lines/neighboring homes. It appears impossible for a home to be placed on the property without violating the separation distance requirements. As noted previously, the new "replacement home" has a footprint which is more narrow than the prior home footprint yet a variance is still needed for placement. The

exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots.

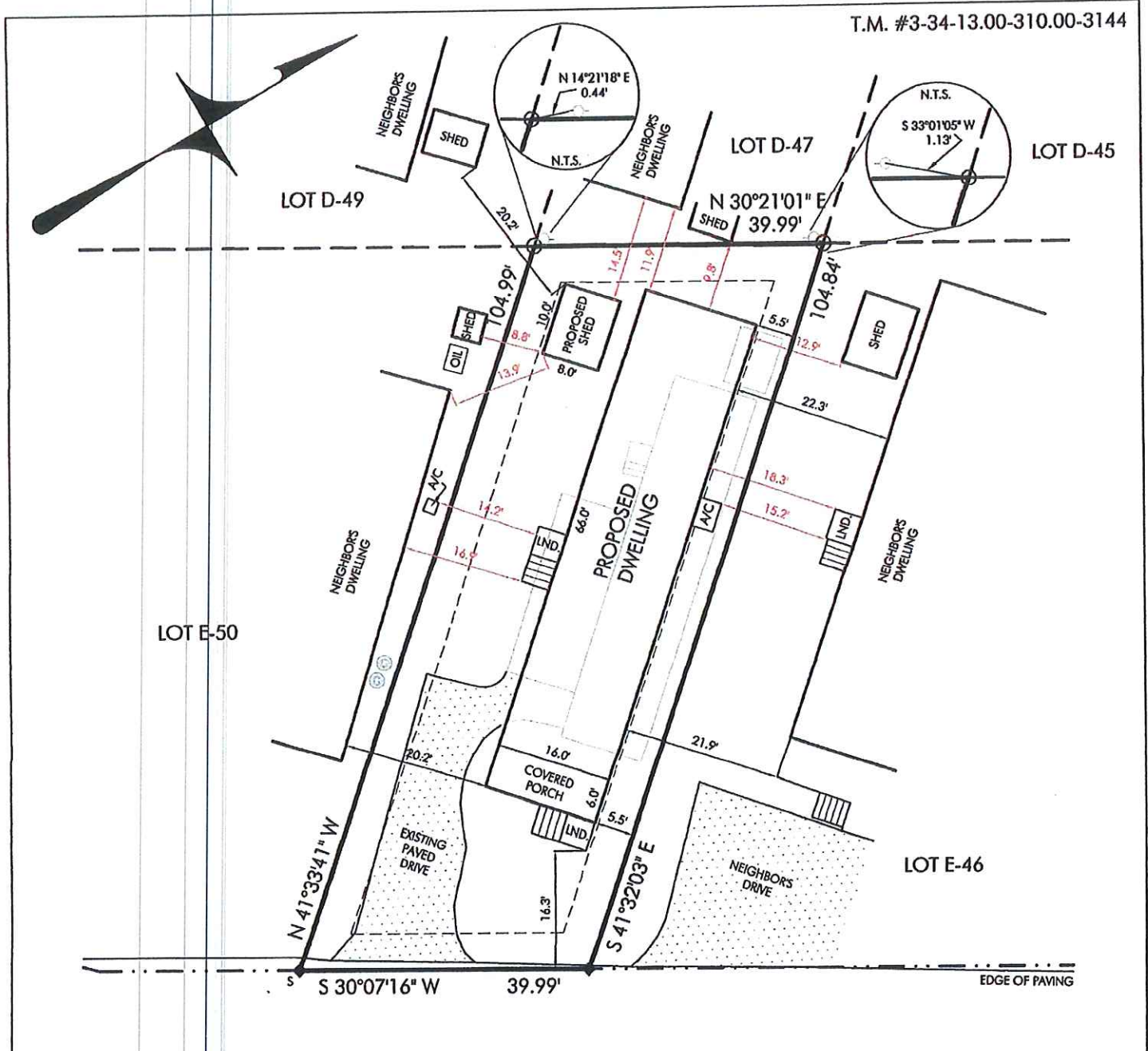
4. Will not alter the essential character of the neighborhood:

- That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
- 1-10: The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare thereof. I am seeking this variance to add to the conformity to the community & to modernize the homes within the community which will subsequently add value and improve the characteristics of the community/neighborhood. The previous 1966 home was surrendered to the community after the structure began to fail.

5. Minimum Variance:

- That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- 1-10: The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The home is the narrowest currently available and minimizes the need for variance on the property.

T.M. #3-34-13.00-310.00-3144



LEGEND:

- ◆ "PK" NAIL (FOUND)
- ◆ "PK" NAIL (SET)
- POINT
- ⊕ UTILITY POLE

NOTES:

ALL SETBACKS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY (302-855-7878) AND THE PARK MANAGER.

THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.

NO TITLE SEARCH PROVIDED OR STIPULATED.

ATLANTIC AVENUE

PROPOSED CONDITIONS
LOCATION PLAN FOR

19980 ATLANTIC AVENUE

LOT #48, BLOCK "E" OF "SEA AIR VILLAGE" PARK
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE

FEBRUARY 15, 2024 SCALE: 1" = 20'

Prepared by:

FORESIGHT Services

Surveying & Precision Measurement

502 226 2279 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971

Layers Search Basemaps Select Area Eagleview Print

Sussex County Government | Sussex County | Wetland mapping is supported with funding provided by t... **esri**

Eagleview Search Results

Selected Features: Addresses (1)

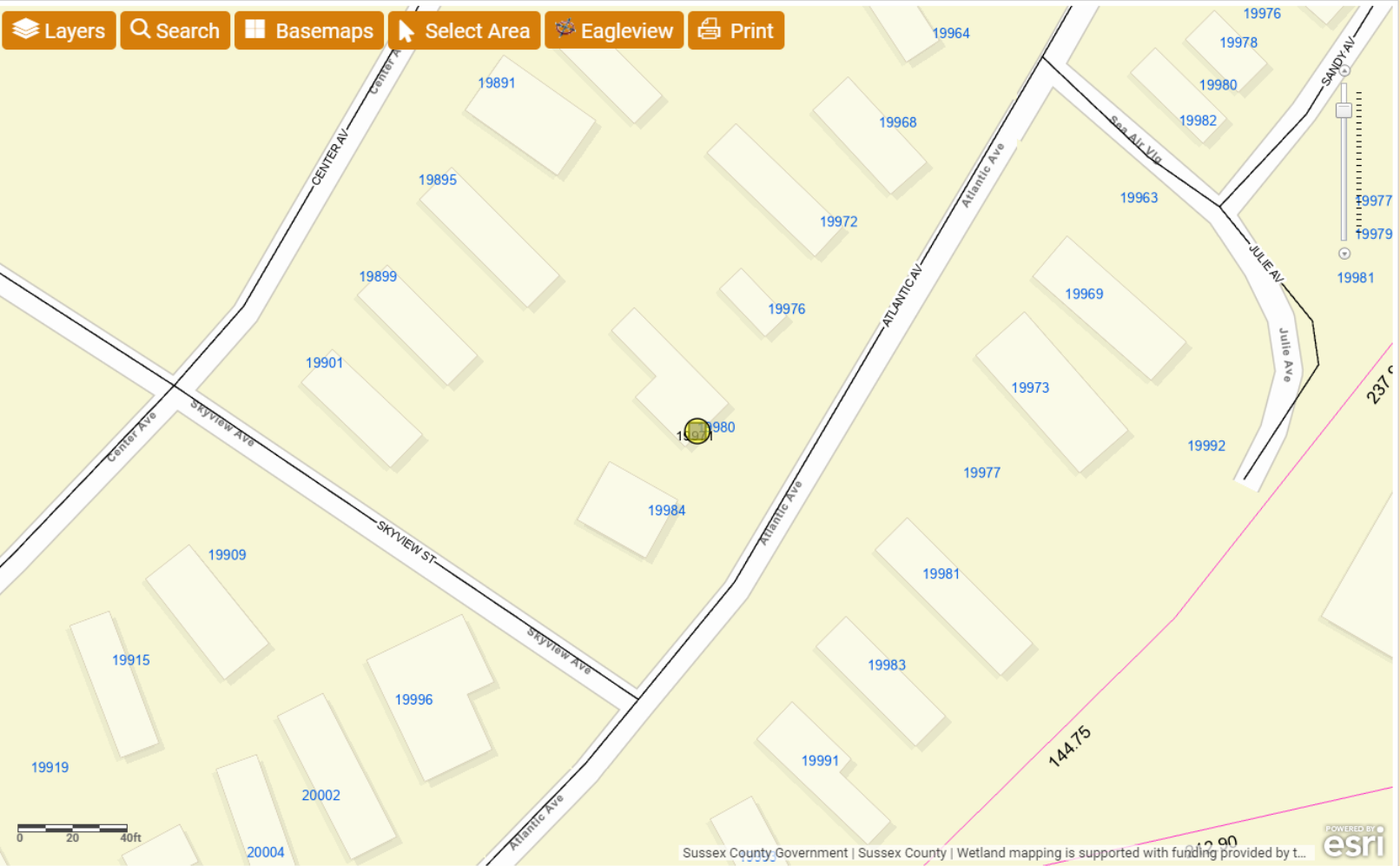
▼ 1) 19980 ATLANTIC AV, REHOBOTH BEACH, DE, 19971 (100%)

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URL	
Rank	20
AddBldg	
AddNum	19980
AddNumFrom	
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AddRange	

Selected Features (1)

Clear Selected

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

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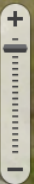
1) 19980 ATLANTIC AV, REHOBOTH BEACH, DE, 19971 (100%)

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Rank	20
AddBldg	
AddNum	19980
AddNumFrom	
AddNumTo	
AddRange	

Navigation icons: Home, Previous, Up, Down, Next, End

Selected Features (1)

Clear Selected



Workspaces

Search [X]

Search by Address

19980 atlantic ave [Q]

Search results (1) Options

19980 Atlantic Ave, Rehoboth Beach, DE ...



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map: Auto (Ortho) | Dates: Latest | < image 1 of 2 > | 03/02/2023



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SEA AIR VILLAGE

(Case No. 12877)

A hearing was held after due notice on November 6, 2023. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. John T. Hastings, Mr. Jordan Warfel, and Mr. John Williamson.

Nature of the Proceedings

This is an application for variances from the separation distance requirements for proposed structures.

Findings of Fact

The Board found that the Applicant is the following variances:

1. A variance of 1.8 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing manufactured home on Lot E48 for a proposed porch;
2. A variance of 1.7 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing manufactured home on Lot E48 for a proposed manufactured home;
3. A variance of 4.5 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing HVAC on Lot E48 for a proposed manufactured home;
4. A variance of 5.6 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing manufactured home on Lot E48 for a proposed landing and steps;
5. A variance of 2.0 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing shed on Lot E48 for a proposed landing;
6. A variance of 2.4 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing shed on Lot E48 for a proposed manufactured home;
7. A variance of 7.1 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing manufactured home on Lot E48 for a proposed shed;
8. A variance of 1.4 feet from the ten (10) feet separation distance requirement between accessory structures in a manufactured home park from the existing shed on Lot E48 for a proposed shed;
9. A variance of 0.3 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing manufactured home on Lot D45 for a proposed shed;
10. A variance of 4.6 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing manufactured home on Lot D45 for a proposed manufactured home;
11. A variance of 6.8 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing cover on Lot D45 for a proposed manufactured home;
12. A variance of 5.4 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing shed on Lot D45 for a proposed manufactured home;
13. A variance of 2.9 feet from the twenty (20) feet separation distance requirement

- between structures in a manufactured home park from the existing shed on Lot E44 for a proposed manufactured home;
14. A variance of 6.1 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing ramp on Lot E44 for a proposed HVAC; and
 15. A variance of 3.1 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing ramp on Lot E44 for a proposed manufactured home.

This application pertains to certain real property located on the northwest side of Atlantic Avenue, Lot E46, within the Sea Air Village Manufactured Home Park (911 Address: 19976 Atlantic Avenue, Rehoboth Beach) said property being identified as Sussex County Tax Map Parcel Number: 334-13.00-310.00-5230 ("the Property"). After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a site plan dated September 13, 2023, a site plan dated October 11, 2023, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Aimee Bennett was sworn in to testify about the Application.
4. The Board found that Ms. Bennett testified that the Applicant seeks to replace the prior home on the Property that was surrendered to the community owner and is not able to be rehabilitated. She noted that the prior home was a 1966 unit that had roof failure.
5. The Board found that Ms. Bennett testified that the Applicant must replace the unit in order to recover the lot use.
6. The Board found that Ms. Bennett testified that the lot is uniquely narrow and irregular.
7. The Board found that Ms. Bennett testified that the shallow lot and topographical issues create physical conditions that are peculiar to this particular property and create the exceptional practical difficulty.
8. The Board found that Ms. Bennett testified that the Applicant is unable to otherwise develop the Property.
9. The Board found that Ms. Bennett testified that the Applicant is asking for the minimum required relief in order to place the home.
10. The Board found that Ms. Bennett testified that the Applicant is placing a home that is standard with other homes in the community but are unable to do so due to the build-out around the site itself.
11. The Board found that Ms. Bennett testified that the exceptional practical difficulty is not being created by the Applicant.
12. The Board found that Ms. Bennett testified that the variances will not alter the essential character of the neighborhood but will rather improve it as the unit that was there is uninhabitable.
13. The Board found that Ms. Bennett testified that the prior home was removed a few weeks ago.
14. The Board found that Ms. Bennett testified that the shed is necessary otherwise the homeowner will have storage issues outside on the lots.
15. The Board found that Ms. Bennett testified that the Applicant installed a hardscape barrier around the homes which seems to work well and still allow enough access to get in between the home and shed for maintenance. She also noted that the cover is a small carport but sized for a golfcart.
16. The Board found that Ms. Bennett testified that the HVAC unit on Lot 48 encroaches and the shed on that lot nearly sits on the Property also.

17. The Board found that Ms. Bennett testified that the Applicant eliminated some variance requests with the newer site plan. The Board thus referenced the October 13, 2023, site plan.
18. The Board found that no one appeared in support of or in opposition to the Application.
19. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the Application.
 - a. The Property is unique as it is a small and narrow lot laid out prior to the enactment of the Sussex County Zoning Code. The lot is also adjacent to lots which are improved by houses and related structures and which are close to the shared property lines. The lot is required to meet separation distance requirements for structures within the park but the Applicant is unable to place a reasonably sized home with related structures on the lot while meeting all setback requirements. The effect of the placement of the structures on the adjacent lots combined with the already small size of the lot and these unique conditions have led to an exceptionally small building envelope. These conditions have created an exceptional practical difficulty and unnecessary hardship for the Applicant who seeks to place a dwelling and related structures on the Property but cannot do so in compliance with the Sussex County Zoning Code. The situation is unique because neighboring homes have been placed on other lots and the Applicant has no control over the placement of those homes and structures. The neighboring HVAC even sits over the property line.
 - b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code.
 - c. Due to the uniqueness of the Property and the placement of the structures on a neighboring lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Applicant proposes to place a dwelling and related structures on the lot but is unable to do so without violating the separation distance requirements between structures in a mobile home park requirement. The variances are thus necessary to enable reasonable use of the Property. The Board is convinced that the shape and location of the dwelling and related structures are also reasonable (which is confirmed when reviewing the survey).
 - d. The exceptional practical difficulty and unnecessary hardship were not created by the Applicant. The Applicant did not create the size of the lot or place the structures on the neighboring property thereby restricting the building envelope on the Property. This building envelope is further limited due to the small size of the lot. The unique conditions of the Property and the development of the adjacent lot have created an exceptional practical difficulty and unnecessary hardship for the Applicant who seeks to place a reasonably sized home and related structures on the lot.
 - e. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the dwelling and related structures will not have a negative impact on the neighborhood. The Board notes that no complaints were noted in the record about the proposed dwelling and related structures and no evidence was presented which would indicate that the variances would somehow alter the essential character of the neighborhood or be

- detrimental to the public welfare. The Board also notes that the home will be located in a similar location as a prior home that was recently removed.
- f. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicant has demonstrated that the variances sought will allow the Applicant to construct a reasonably sized dwelling and related structures on the lot. The Board notes that the dwelling is a reasonably sized manufactured home. The Applicant has demonstrated that it has worked with its manufacturer to secure a home that minimizes the need for a variance.
 - g. The condition or situation of the Property and the intended use of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Sussex County Zoning Code.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor of the motion to approve were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Travis Hastings, Mr. Jordan Warfel, and Mr. John Williamson. No Board Member voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Jeffrey Chorman
Chair

If the use is not established within two (2) years from the date below the application becomes void.

Date January 8, 2024.

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SUN HOME SERVICES, INC.

(Case No. 12485)

A hearing was held after due notice on October 19, 2020. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance from the separation distance requirement for proposed and existing structures.

Findings of Fact

The Board found that the Applicant is requesting the following variances: 1) a variance of 7 feet from the twenty (20) feet separation distance requirement between the proposed dwelling on Lot 49 and the shed on Lot 51; 2) a variance of 4.4 feet from the twenty (20) feet separation distance requirement between a proposed dwelling on Lot 49 and an existing deck on Lot 51; 3) a variance of 2.1 feet from the twenty (20) feet separation distance requirement between the storage building on Lot 48 and the proposed dwelling on Lot 49; 4) a variance of 1 foot from the twenty (20) feet separation distance requirement between the dwelling on Lot 47 and the proposed steps on Lot 49; 5) a variance of 3.8 feet from the twenty (20) feet separation distance requirement between the existing landing on Lot 47 and the proposed steps on Lot 49; 6) a variance of 8.8 feet from the twenty (20) feet separation distance requirement between the existing shower on Lot 47 and the proposed shed on Lot 49; and 7) a variance of 7 feet from the twenty (20) feet separation distance requirement between the existing shed on Lot 51 and the proposed HVAC system on Lot 49. The Property which is the subject of this Application is identified as Lot 49 in the Sea Air subdivision. The Property is located on the east side of Center Avenue within the Sea Breeze Manufactured Home Park (911 Address: 19899 Center Avenue, Rehoboth Beach) said property being identified as Sussex County Tax Map Parcel Number: 3-34-13.00-310.00-3042. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, photographs, a survey of the Property dated July 23, 2020, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Kaylie Bush was sworn in to testify about the Application.
4. The Board found that Ms. Bush testified that the property is unique as it is narrow and shaped at an angle.
5. The Board found that Ms. Bush testified that the lot was created in the 1930s and is small in comparison with the size of modern manufactured homes.
6. The Board found that Ms. Bush testified that the manufactured home is the narrowest available on the market today but still requires variances and that the narrow shape of the lot makes it difficult to place a new manufactured home on the Property consistent with others in the neighborhood while complying with the Sussex County Zoning Code.
7. The Board found that Ms. Bush testified that, due to the uniqueness of the Property, the Property cannot be developed in strict conformity with the Code.
8. The Board found that Ms. Bush testified that the proposed manufactured home is the minimum width sized manufactured home that is consistent with other homes in the community.

9. The Board found that Ms. Bush testified that the exceptional practical difficulty was not created by the Applicant but by the uniqueness of the lot.
10. The Board found that Ms. Bush testified that the lot is narrow and greatly limits the building area thereof.
11. The Board found that Ms. Bush testified that it appears impossible to place a home on the lot without violating the separation distance requirements.
12. The Board found that Ms. Bush testified that the exceptional practical difficulty was created by the unique conditions of the Property and development of neighboring lots.
13. The Board found that Ms. Bush testified that the variances will not alter the essential character of the neighborhood but will add value and improve the characteristics of the community.
14. The Board found that Ms. Bush testified that the variances sought are the minimum variances necessary to afford relief and to allow a narrow manufactured home to be placed on the lot.
15. The Board found that Ms. Bush testified that there was a manufactured home on this property previously and that home measured 12 feet by 60 feet.
16. The Board found that Ms. Bush testified that the shed cannot be placed elsewhere on the lot.
17. The Board found that Ms. Bush testified that she has received no complaints.
18. The Board found that no one appeared in support of or opposition to the Application.
19. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and unrebutted, the Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the Application.
 - a. The Property is unique as it is a small and narrow lot and the Applicant proposes to place a new manufactured home and related structures on the lot to replace an older home previously on the lot. The Property is subject to separation distance requirements from other structures in the neighborhood and the Applicant is restricted on where to place certain structures due to those requirements. The development on neighboring properties has significantly constrained the Applicant. Notably, the proposed home and related structures do not meet separation distance requirements from 3 sides of the property and the other side is the side facing the road. Due to the location of the structures on the neighboring lots and the unique size and shape of the lots, the Applicant's building envelope is narrow and limited. These conditions have created an unnecessary hardship and exceptional practical difficulty for the Applicant who seeks to place a new dwelling and related structures on the lot but is unable to do so without a variance.
 - b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code.
 - c. Due to the uniqueness of the Property and situation, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The lot is small and narrow and is significantly limited by the separation distance requirements. The structures on neighboring lands were placed by neighbors and the Applicant seeks to place a new dwelling and related structures on its lot but is unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variances are necessary to enable the reasonable use of the Property as the variances will allow the Applicant to improve the lot as proposed. The Board is convinced that the shape and location of the structure is reasonable, which is confirmed when reviewing the survey provided by the Applicant.

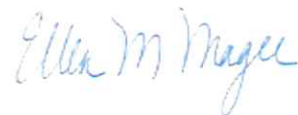
- d. The exceptional practical difficulty and unnecessary hardship were not created by the Applicant. The Property has unique conditions, as discussed above, and those conditions have limited the building envelope on the Property and have created an exceptional practical difficulty. Importantly, the Applicant did not place the structures on the neighboring lots so close to the shared property line. The Applicant is unable to construct a reasonable dwelling and related structures due to the unique size of the Property and the construction on neighboring lands. The Board also notes that the lot was created in the 1930s prior to the enactment of the Sussex County Zoning Code.
- e. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Applicant seeks to place a reasonably sized dwelling and related structures on the lot to replace a prior home. No evidence was presented that the variances would somehow alter the essential character of the neighborhood or be detrimental to the public welfare. Rather, the home will be consistent with other homes in the neighborhood.
- f. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulation at issue. The Applicant has demonstrated that the variances sought will allow the Applicant to place a reasonable home and structures on the Property. The Board is convinced that the home is the minimum sized home to afford reasonable use of the Property.
- g. The condition or situation of the Property and the intended use of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Sussex County Zoning Code.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor of the Motion to approve were Dr. Kevin Carson, Mr. Jeffrey Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman. No Board Member voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Ellen M. Magee
Chair

If the use is not established within two (2) years from the date below the application becomes void.

Date December 21, 2020.

Case # 12938
Hearing Date 5.20.2024
202404244

Board of Adjustment Application Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

Site Address of Variance/Special Use Exception:

20011 Golden Ave, Rehoboth Beach, DE 19971.

Variance/Special Use Exception/Appeal Requested:

On the East side of the proposed dwelling where the screened porch on lot L63 is 1) 18.8' and the proposed AC is 16.0' from same screened porch. 3) Where the proposed dwelling is 12.6' and 4) 8.3' from teh shed on lot L63. 5) At the rear of the home where proposed home is 15.8' from K62 shed and 6) 15.7' from the neighboring dwelling. 7) Where the proposed shed is 15.8' from K62 oil tank, 8) 18.2 from' K62 dwelling, 9) 18.2' from shed on K60, 10) 12' from oil tank on L59, and 11)10.7' from neighboring home on L59. 12) Where the proposed dwelling is 19.7' from home on L59. Where the proposed stair is 13) 15.9' from the neighboring home on L59.

Tax Map #: 334-13.00-310.00-13072

Property Zoning: _____

Applicant Information

Applicant Name: Sea Air Village- Agent Aimee Bennett

Applicant Address: 19837 Sea Air Ave

City Rehoboth Beach State DE Zip: 19971

Applicant Phone #: (302) 227-8118 Applicant e-mail: abennett2@suncommunities.com

Owner Information

Owner Name: Sea Breeze LP DBA Sea Air Village

Owner Address: 19837 Sea Air Ave

City Rehoboth Beach State DE Zip: 19971 Purchase Date: _____

Owner Phone #: (302) 227-8118 Owner e-mail: abennett2@suncommunities.com

Agent/Attorney Information

Agent/Attorney Name: Aimee Bennett

Agent/Attorney Address: 19837 Sea Air Ave

City Rehoboth Beach State DE Zip: 19971

Agent/Attorney Phone #: (302) 227-8118 Agent/Attorney e-mail: abennett2@suncommunities.com

Signature of Owner/Agent/Attorney

Aimee Bennett

Date: 03/27/2024



Sussex County, DE - BOA Application

Criteria for a Variance: (Please provide a written statement regarding each criteria).

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

See Attached

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

See Attached

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

See Attached

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

See Attached

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

See Attached

1. Uniqueness of the property:

- That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to the circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.
- 1-13 The uniquely narrow dimensions of this lot create a challenge placing the manufactured home and maintaining minimum separation between homes and accessory structures. This lot was laid out with others in the community in the 1950's and 1960's prior to the current county requirements for separation distances. The lots sizes are small in comparison with the size of the modern manufactured home. I have selected a standard size floorplan for this home that is comparable to other new homes in the community, but I am still unable to place on the lot with the required setbacks. Although the new home is approximately the same size as the prior combined/total footprint of the home that was removed, The narrow shape of the lot and the previous build out of the surrounding adjacent lots makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood while maintaining compliance with Sussex County's current Zoning Code. In the process of placing this new manufactured home we are addressing/correcting the 5' lot setback which was not previously intact.

2. Cannot otherwise be developed:

- That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- 1-13: Due to the uniqueness of the property, the property cannot be developed in strict conformity with the Sussex County Zoning Code. I propose to place a normal width sized manufactured home that is consistent with other new homes in the community and a standard size shed that is consistent with other new homes in the community but am unable to do so without violating the separation distance requirements between neighboring manufactured homes and accessory structures (ie, sheds, porches). The variances are necessary to enable reasonable use of the property, without said variance the property cannot be developed.

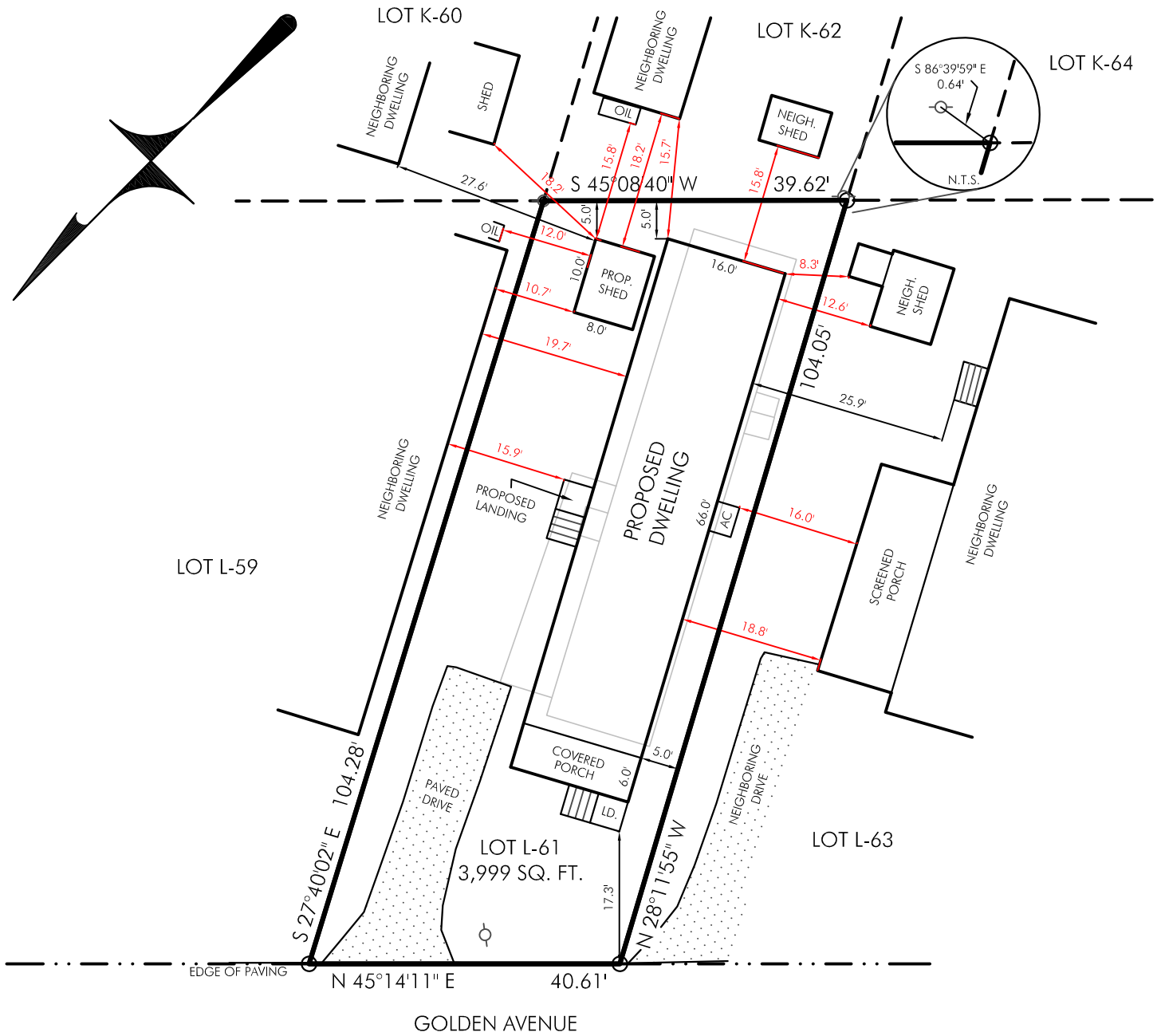
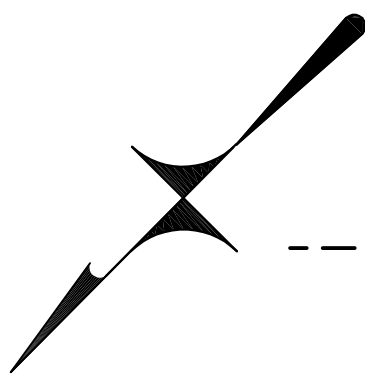
3. Not created by the applicant:

- That such exceptional practical difficulty has not been created by the appellant.
- 1-13: The exceptional practical difficulty was not created by the applicant. The property is quite narrow which greatly limits the buildable area thereof. The neighboring lots are also narrow causing development of nearby lots to be nearer to lot lines/neighboring homes. It appears impossible for a home to be placed on the property without violating the separation distance requirements. As noted previously, the new "replacement home" has a footprint which is approximately same as the prior home footprint yet a variance is still needed for placement.

The exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots.

4. Will not alter the essential character of the neighborhood:
 - That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
 - 1-13: The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare thereof. I am seeking this variance to add to the conformity to the community & to modernize the homes within the community which will subsequently add value and improve the characteristics of the community/neighborhood. The previous 1978 home was surrendered to the community after the structure began to fail.
5. Minimum Variance:
 - That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - 1-13: The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The home is the narrowest currently available and minimizes the need for variance on the property.

T.M. #3-34-13.00-310.00-13072



PROPOSED CONDITIONS
 LOCATION PLAN FOR
20011 GOLDEN AVENUE

LOT L-61 OF "SEA AIR VILLAGE" PARK
 LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE

MARCH 20, 2024 SCALE: 1" = 20'

LEGEND:

- POINT
- ⊙ POINT IN UTILITY POLE
- UTILITY POLE

NOTES:

ALL SETBACKS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY (302-855-7878) AND THE PARK MANAGER.

THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.

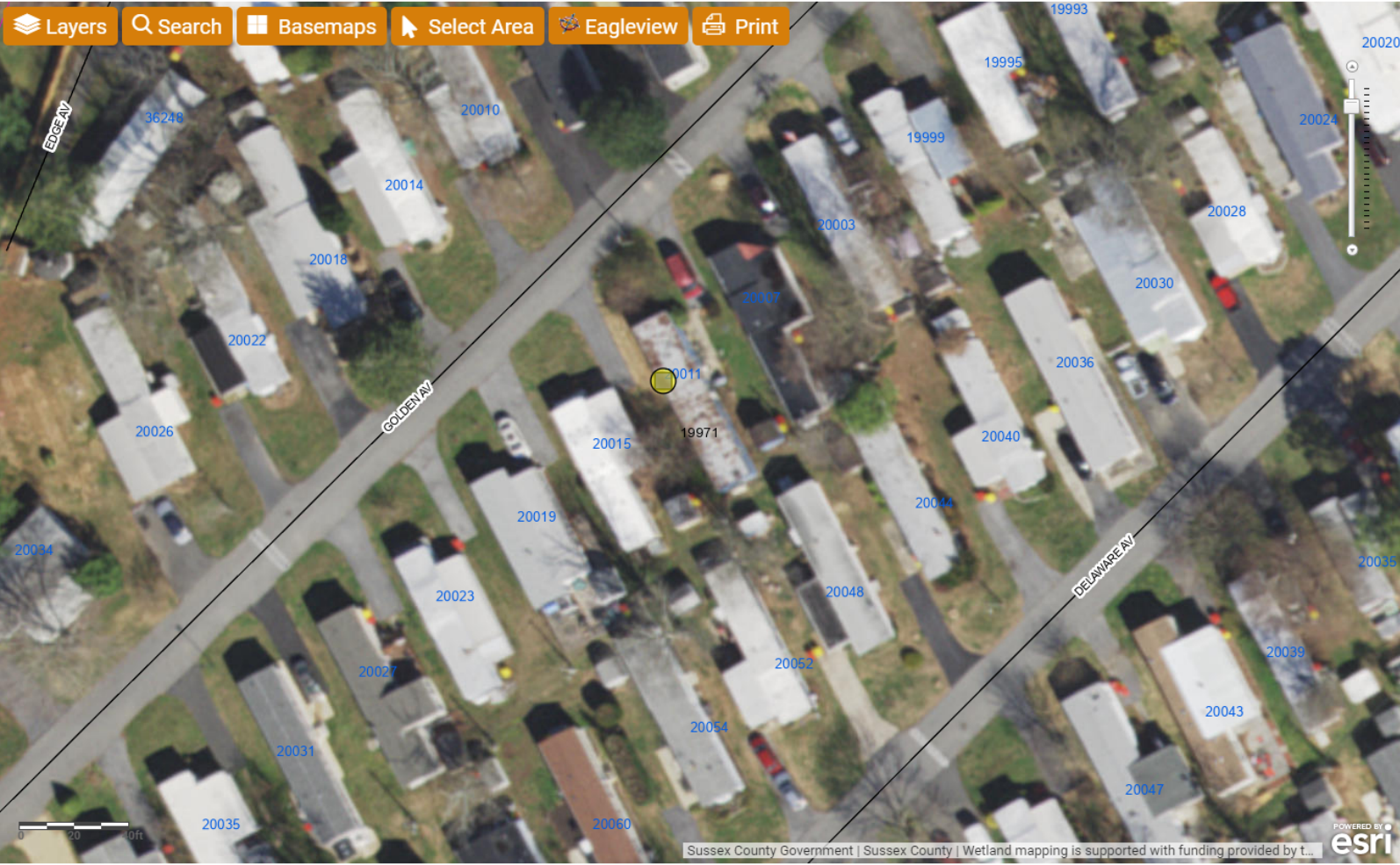
NO TITLE SEARCH PROVIDED OR STIPULATED.

Prepared by:



302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971

- Layers
- Search
- Basemaps
- Select Area
- Eagleview
- Print



Eagleview Search Results

Selected Features: Addresses (1)

1) 20011 GOLDEN AV, REHOBOTH BEACH, DE, 19971 (100%)

Status	M
Score	100
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AddNumTo	
AddRange	

- Navigation icons: Home, Previous, Up, Down, Next, End

Selected Features (1)

Clear Selected



Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Addresses (1)

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AddNumFrom	
AddNumTo	
AddRange	

Navigation icons: Home, Previous, Next, Refresh, Stop

Selected Features (1)

Clear Selected



Search ✕

Search by Address ▾

20011 golden ave 🔍

Search results (1) Options ▾

- ▶ 20011 Golden Ave, Rehoboth Beach, DE ...

Workspaces ▾



© 2023 Eagleview

map: Auto (Ortho) ▾ Dates: Latest ▾ < image 1 of 3 > 03/02/2023

20 ft
5 m

Case # 12937
Hearing Date 5/20/2024
202404089

Board of Adjustment Application Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)

Site Address of Variance/Special Use Exception:

19905 Atlantic Ave, Rehoboth-Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

1) Where the proposed addition/room is 15.0' from the neighboring dwelling on lot F11 and 12.1' from the neighboring AC on lot F11.

Tax Map #: 334-13.00-310.00-315 lp

Property Zoning: _____

Applicant Information

Applicant Name: Bob's Home Improvement
Applicant Address: 324 Jean Bradley Circle
City Frederica State DE Zip: 19946
Applicant Phone #: 302-603-6866 Applicant e-mail: klashua@suncommunities.com

Owner Information

Owner Name: David Smith & Kenneth Williams Jr
Owner Address: 19905 Atlantic Ave
City Rehoboth Beach State DE Zip: 19971 Purchase Date: _____
Owner Phone #: 610-256-4888 Owner e-mail: dsmith610@hotmail.com

Agent/Attorney Information

Agent/Attorney Name: Robert Lashua
Agent/Attorney Address: 324 Jean Bradley Circle
City Frederica State DE Zip: 19946
Agent/Attorney Phone #: 302-603-6866 Agent/Attorney e-mail: klashua@suncommunities.com

Signature of Owner/Agent/Attorney

B. Lashua

Date: 03/19/2024



Sussex County, DE - BOA Application

Criteria for a Variance: (Please provide a written statement regarding each criteria).

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

See Attached

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

See Attached

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

See Attached

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

See Attached

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

See Attached

1. Uniqueness of the property:

- That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to the circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.
- 1-2 The uniquely narrow dimensions of this lot create exceptional practical difficulty for the build out of this lot. The community and lots were laid out in the 1950's and 1960's prior to the current county requirements for separation distances. The homeowners would like to add a modest enclosed addition/3 season room that is consistent with other additions within the community. The board has previously approved a separation distance of 18.1' from the neighboring AC and 21.2' from the neighboring dwelling; the residents are only seeking an effective 6' deviation from the previous approval. The proposed structure will leave a 15'0 clearance from the neighboring dwelling which is considerably larger than many other structures within the community.

2. Cannot otherwise be developed:

- That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance us therefore necessary to enable the reasonable use of the property.
- 1-2: Due to the uniqueness of the property, the requested addition cannot be placed in strict accordance with Sussex County Zoning Code. A small grievance of just 5' between dwellings and less than 8' between dwelling and neighboring AC will enable reasonable use of the property. Reasonable, by definition, is defined as being fair and moderate. This small adjustment of just 6' to the previously afforded variance is both fair and moderate and the homeowner's desire to have a small addition similar to others within the community is both a reasonable and an appropriate request.

3. Not created by the applicant:

- That such exceptional practical difficulty has not been created by the appellant.
- 1-2: The exceptional practical difficulty was not created by the applicant but rather by the unique narrowness of the lot, the lots small dimensional size, and the previous buildup of the surrounding areas. The homeowner's desire to have a small and modest room addition resembles the desire of many others within the community. If memory serves, the unit that was previously at this address had a small addition as well. And, on this block alone, at least eight of the other homes have an addition or room of some sort. If this lot had been developed in modern day with the lot size requirements that the county has in effect now, the homeowner would be able to build a much larger room than that proposed without need for variance. Thus, the practical difficulty is related to and created by the lots small and narrow dimensions, and the happenstance of subsequent zoning regulations applied to it.

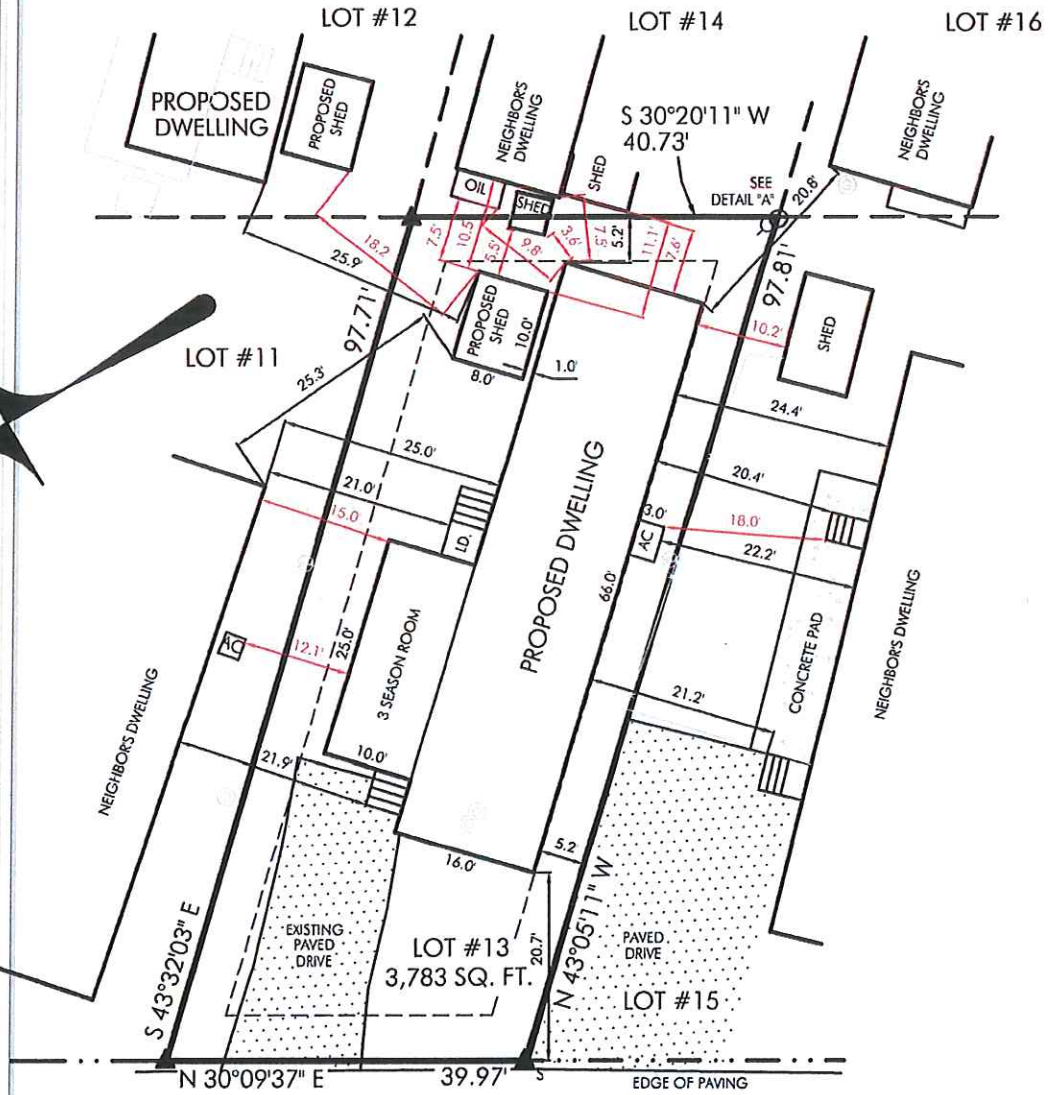
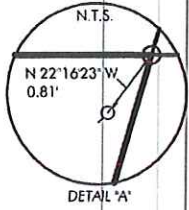
4. Will not alter the essential character of the neighborhood:

- 1-2: That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare. As mentioned previously, it is commonplace both within the larger community and with this particular block of the community for homeowners to build decks, additions, rooms, and the like in order to enable the reasonable use and enjoyment of the lot.

5. Minimum Variance:

- That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- 1-2: The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications to the previously granted variance approval. The homeowners are seeking a simple six feet of grace in order to ensure a reasonable 15' of separation between dwellings.

T.M. #3-34-13.00-310.00-3156



ATLANTIC AVENUE

OPTION "B"
PROPOSED CONDITIONS
LOCATION PLAN FOR
19905 ATLANTIC AVENUE
 LOT #13 BLOCK "F" OF "SEA AIR VILLAGE" PARK
 LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE

SEPTEMBER 19, 2023 SCALE: 1" = 20'

LEGEND:

- ▲ IRON ROD (FOUND)
- ▲_s IRON ROD (SET)
- UTILITY POLE
- POINT

NOTES:

ALL SETBACKS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY (302-855-7878) AND THE PARK MANAGER.

THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.

NO TITLE SEARCH PROVIDED OR STIPULATED.

Prepared by:

FORESIGHTServices

Surveying & Precision Measurement

302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971

Layers Search Basemaps Select Area Eagleview Print

Eagleview Search Results

Selected Features: Addresses (1)

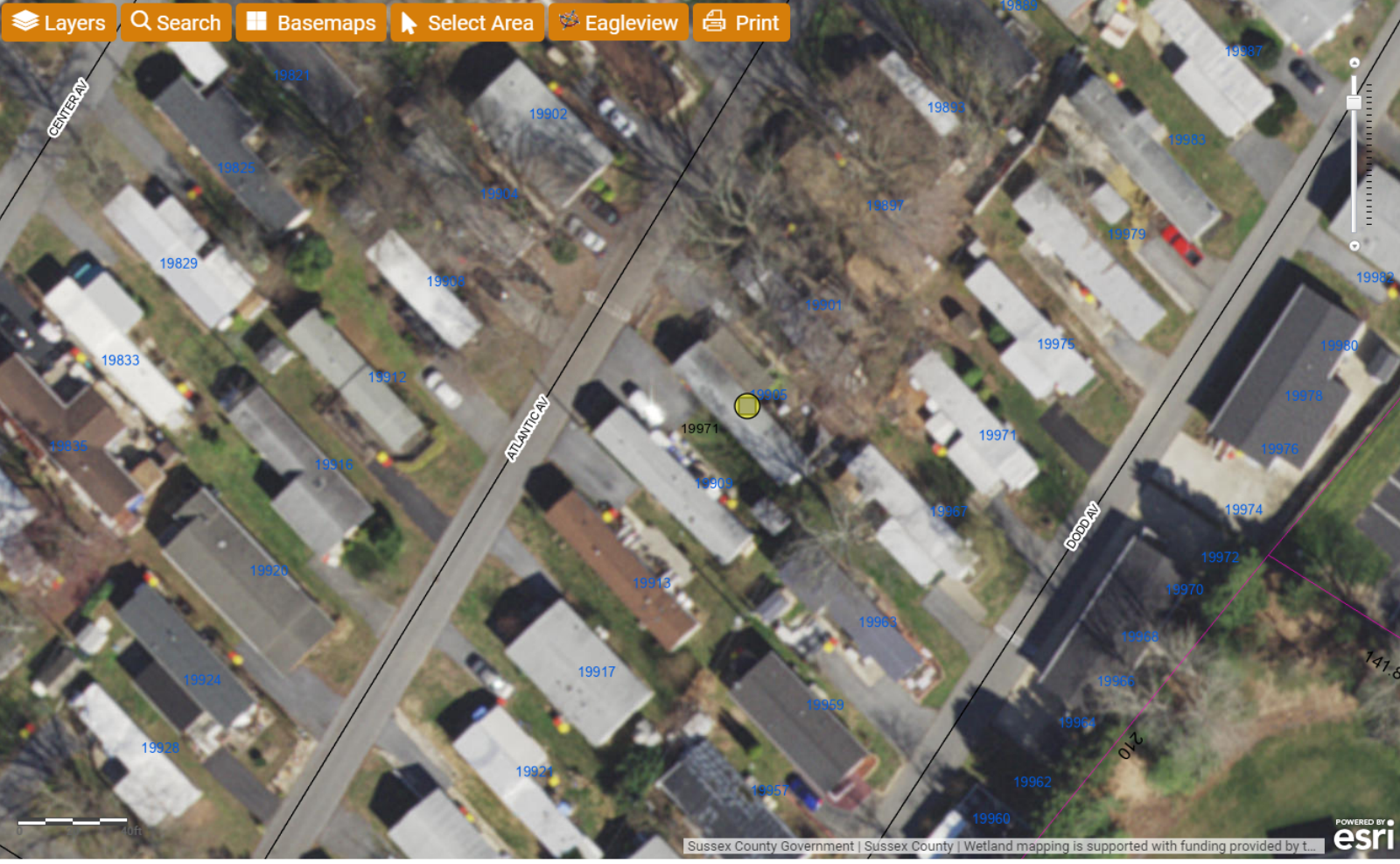
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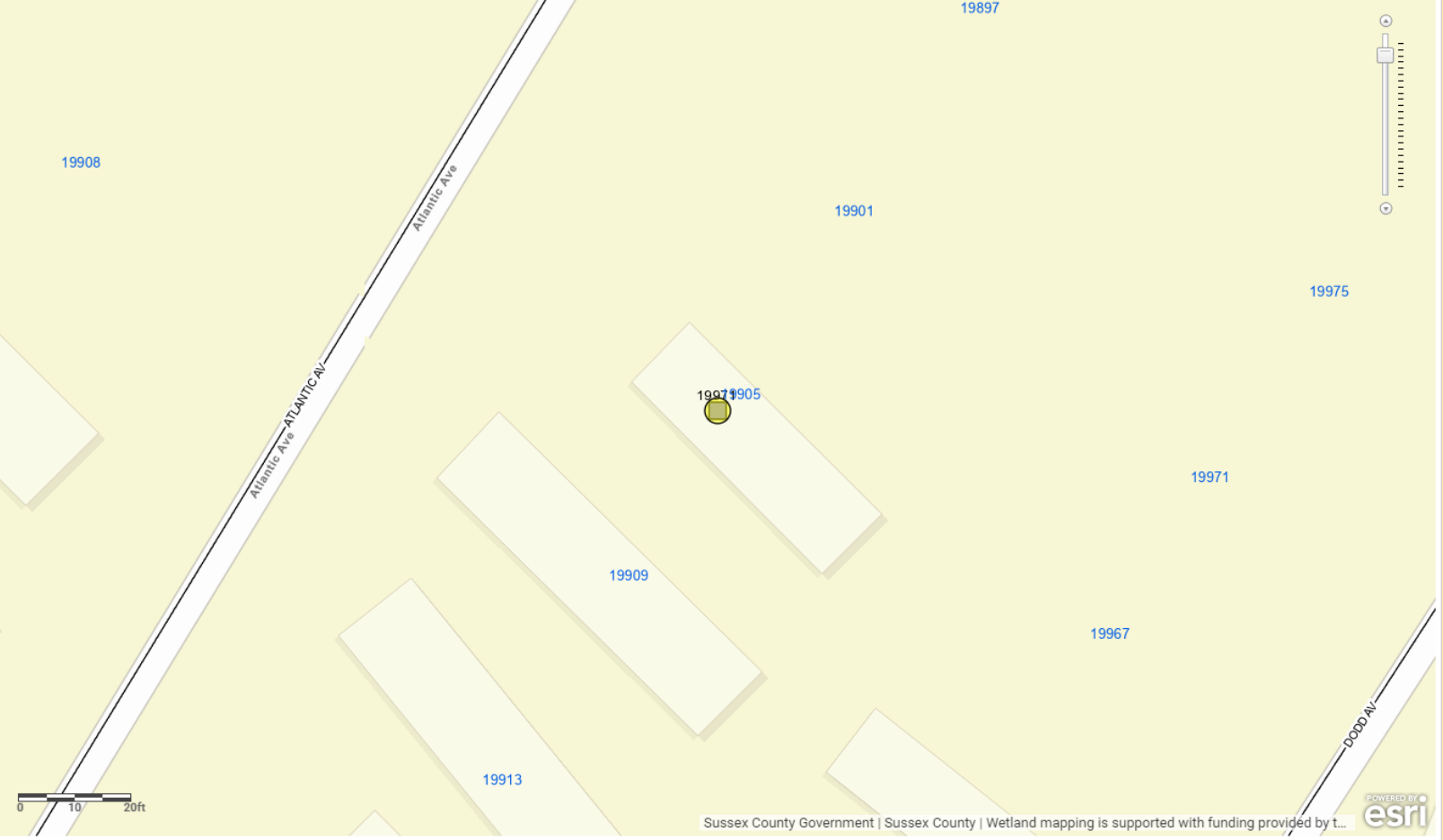
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Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

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AddNumTo	
AddRange	

Navigation icons: Home, Previous, Up, Down, Next, End

Selected Features (1)

Clear Selected





Search [X]

Search by Address ▾

19905 atlantic ave [X]

Search results (1) Options ▾

- 19905 Atlantic Ave, Rehoboth Beach, DE ...

Workspaces ▾

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map: Auto (Ortho) ▾ Dates: Latest ▾ < image 1 of 3 > 03/02/2023



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SEA AIR VILLAGE

(Case No. 12878)

A hearing was held after due notice on November 6, 2023. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. John T. Hastings, Mr. Jordan Warfel, and Mr. John Williamson.

Nature of the Proceedings

This is an application for variances from the separation distance requirements for proposed structures.

Findings of Fact

The Board found that the Applicant is requesting the following variances:

1. A variance of 1.5 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing HVAC on Lot F11 for the proposed landing;
2. A variance of 12.5 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing oil enclosure on Lot G14 for the proposed shed;
3. A variance of 9.5 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing manufactured home on Lot G14 for the proposed shed;
4. A variance of 4.5 feet from the ten (10) feet separation distance requirement between accessory structures in a manufactured home park from the existing shed on Lot G14 for the proposed shed;
5. A variance of 10.2 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing oil enclosure on Lot G14 for the proposed manufactured home;
6. A variance of 16.4 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing shed on Lot G14 for the proposed manufactured home;
7. A variance of 12.5 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing shed on Lot G14 for the proposed manufactured home;
8. A variance of 12.4 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing shed on Lot G14 for the proposed manufactured home;
9. A variance of 9.8 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing shed on Lot F11 for the proposed manufactured home; and
10. A variance of 2 feet from the twenty (20) feet separation distance requirement between structures in a manufactured home park from the existing landing on Lot F11 for the proposed HVAC unit.

This application pertains to certain real property located on the southeast side of Atlantic Avenue, Lot F13, within the Sea Air Village Manufactured Home Park (911 Address: 19905 Atlantic Avenue, Rehoboth Beach) said property being identified as Sussex County Tax Map Parcel Number: 334-13.00-310.00-3156 ("the Property"). After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a site plan dated September 18, 2023, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Aimee Bennett was sworn in to testify about the Application.
4. The Board found that Ms. Bennett testified that the existing unit on this site was demolished before the survey was completed but the unit that was previously on the Property was a single-wide with a double-wide attached or with an extension that doubled the square footage attached to it.
5. The Board found that Ms. Bennett testified that, even though it seems like a lot of variance requests at the rear, it is a vast improvement over what was there previously.
6. The Board found that Ms. Bennett testified that the previous unit was a 1976 model that was in ill repair.
7. The Board found that Ms. Bennett testified that the Property is unique in that it is narrower in comparison to the modern size manufactured home.
8. The Board found that Ms. Bennett testified that, in order to place the home on the lot, the variances are necessary and the Applicant would be unable to develop the lot without the variances.
9. The Board found that Ms. Bennett testified that the exceptional practical difficulty has not been created by the Applicant but rather the encroachments from the surrounding lots.
10. The Board found that Ms. Bennett testified that the difficulty is caused because this particular lot is shallow and the nearby lots are built out.
11. The Board found that Ms. Bennett testified that the Applicant does not anticipate that these requests will alter the character of the neighborhood, at least not in any ill-fated way.
12. The Board found that Ms. Bennett testified that both of the neighbors are happy to have a new home coming as it is a welcome improvement compared to what was there.
13. The Board found that Ms. Bennett testified that these variances are the minimum variances required to afford relief and the least modifications to the regulations at issue.
14. The Board found that Ms. Bennett testified that the Applicant has not placed the proposed home yet.
15. The Board found that Ms. Bennett testified that the landing near Atlantic Avenue is larger because the buyer that is lined up requested a sliding door.
16. The Board found that Ms. Bennett testified that it is a fuel tank on Lot 14 and not a full enclosure.
17. The Board found that Ms. Bennett testified that the neighboring lots have some of the oldest homes in the community.
18. The Board found that no one appeared in support of or in opposition to the Application.
19. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the Application.
 - a. The Property is unique as it is a small and narrow lot laid out prior to the enactment of the Sussex County Zoning Code. The lot consists of only 3,783 square feet and is 39.97 feet wide. The lot is also adjacent to lots which are improved by houses and related structures and the shed on the rear of Lot G-14 significantly encroach onto the Property over the shared

property line. The lot is required to meet separation distance requirements for structures within the park but the Applicant is unable to place a reasonably sized home with related structures on the lot while meeting all setback requirements. The effect of the placement of the structures on the adjacent lots combined with the already small size of the lot have led to an exceptionally small building envelope. These conditions have created an exceptional practical difficulty and unnecessary hardship for the Applicant who seeks to place a dwelling and related structures on the Property but cannot do so in compliance with the Sussex County Zoning Code. The situation is unique because neighboring homes have been placed on other lots and the Applicant has no control over the placement of those homes and structures.

- b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code.
- c. Due to the uniqueness of the Property and the placement of the structures on a neighboring lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Applicant proposes to place a dwelling and related structures on the lot but is unable to do so without violating the separation distance requirements between structures in a mobile home park requirement. The variances are thus necessary to enable reasonable use of the Property. The Board is convinced that the shape and location of the dwelling and related structures are also reasonable (which is confirmed when reviewing the survey).
- d. The exceptional practical difficulty and unnecessary hardship were not created by the Applicant. The Applicant did not create the size of the lot or place the structures on the neighboring property thereby restricting the building envelope on the Property. This building envelope is further limited due to the small size of the lot. The unique conditions of the Property and the development of the adjacent lot have created an exceptional practical difficulty and unnecessary hardship for the Applicant who seeks to place a reasonably sized home and related structures on the lot.
- e. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the dwelling and related structures will not have a negative impact on the neighborhood. The Board notes that no complaints were noted in the record about the proposed dwelling and related structures and no evidence was presented which would indicate that the variances would somehow alter the essential character of the neighborhood or be detrimental to the public welfare. The Board also notes that the home will be located in a similar location, albeit more in compliance with the Code, as a prior home that was recently removed.
- f. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicant has demonstrated that the variances sought will allow the Applicant to construct a reasonably sized dwelling and related structures on the lot. The Board notes that the dwelling is a reasonably sized manufactured home. The Applicant has demonstrated that it has worked with its manufacturer to secure a home that minimizes the need for a variance.
- g. The condition or situation of the Property and the intended use of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Sussex County Zoning Code.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor of the motion to approve were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Travis Hastings, Mr. Jordan Warfel, and Mr. John Williamson. No Board Member voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

Jeffrey Chorman
Chair

If the use is not established within two (2) years from the date below the application becomes void.

Date January 8, 2024.

Case # 12939
Hearing Date May 20, 2024
202404451

Board of Adjustment Application Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)

Site Address of Variance/Special Use Exception:

34582 DAISEY RD FRANKFORD, DE 19945

Variance/Special Use Exception/Appeal Requested:

SPECIAL USE EXCEPTION FOR
COMMERCIAL DOG KENNEL

Tax Map #: 533-6.00-125.00 Property Zoning: AR-1

Applicant Information

Applicant Name: HEATHER OSBORNE & KEVIN CLEAR

Applicant Address: 34582 DAISEY RD

City FRANKFORD State DE Zip: 19945

Applicant Phone #: (302) 519-8444 Applicant e-mail: DOGGIEDAYCARE17@gmail.com
DOGGIEDAY17@gmail.com

Owner Information

Owner Name: HEATHER OSBORNE & KEVIN CLEAR

Owner Address: 34582 DAISEY RD

City FRANKFORD State DE Zip: 19945 Purchase Date: 2002

Owner Phone #: (302) 519-8444 Owner e-mail: DOGGIEDAY17@gmail.com

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Heather Osborne

Date: 3/28/24



Sussex County, DE - BOA Application

Criteria for a Special Use Exception: (Please provide a written statement regarding each criteria)

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Special Use Exception to be granted.

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

Basis for Appeal: (Please provide a written statement regarding reason for appeal)

** See Attached Documents*

Doggie Daycare, LLC
34582 Daisey Rd
Frankford, DE 19945
(302)519-8444

April 1,2024

To whom this may Concern,

**In Regards to Application for Special Use
Exception Questions**

1. If granted a Special Use Exception for a Commercial Dog Kennel, our adjacent and neighboring properties will not be substantially affected. Taking in to consideration that Doggie Daycare has been open since 2017, with no complaints or concerns, I believe we can continue to stay open without any negative affects upon our neighbors.
2. I am applying for a 5 year limit for a Special Use Exception for a Commercial Dog Kennel. I currently have a valid Business License, and active LLC. A DelDot Service Level Evaluation Request has been applied for in order to have our property Rezoned C3. In May of 2019, our application was approved for 5 years. All guidelines and restrictions have been followed since this determination.

Doggie Daycare, LLC
34582 Daisey Rd
Frankford, DE 19945
(302)519-8444

April 1,2024

Doggie Daycare, LLC has been providing a service to our community for 7 years. It is a pleasure to have my customers put their animals care in my hands. I have regular groups of dogs that come for daycare and boarding throughout the year. Some of my customers bring their pets once a week, and some bring them as much as five times a week. I have even cared for dogs for as many as three months, at one time. This is just one of many reasons I believe my business is an asset to our area.

The business license, insurance and taxes have been consistently renewed and paid. Rules and Regulations brought by the Board in 2019, have all been followed.

I am grateful to have a thriving business, where I would consider my customers friends and family. With new residents coming to our area, I expect that my service will be even more desired in the near future.

At this time, I would also like to explain the reason for applying one day out of expiration. On March 1,2024, the renewal letter was mailed to our location. We were out of the country until March 10,2024. On March 19,2024, my husband had an operation at Penn University, leaving us out of town for another 4 days. My plan was to apply for Rezoning to C3, once we returned from the hospital. Upon returning and looking into a Rezone, I did not realize that it would take 4-6 weeks to get a response from DelDot. I plan to continue the Rezone process. I am hoping this will not affect my application for renewal.

Thank you for your consideration.



BLUE MARKS EXISTING KENNEL & PLAY AREA





Workspaces ▾



Search [X]

Search by SUSSEXPARELS ▾

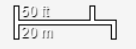
533-6.00-125.00 [Q]

Search results (1) Options ▾

- ▶ 533-6.00-125.00

© 2023 EagleView

map: Auto (Ortho) ▾ Dates: Latest ▾ < image 1 of 3 > 03/06/2023



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: KEVIN W. CLEAR

(Case No. 12260)

A hearing was held after due notice on January 28, 2019. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the front yard and side yard setback requirements for existing structures.

Findings of Fact

The Board found that the Applicant is seeking a variance of 1.9 feet from the forty (40) feet front yard setback requirement for a pole building and a variance of 1.7 feet from the five (5) feet side yard setback requirement on the southeast side for an existing shed. This application pertains to certain real property located on the south side of Daisey Road approximately 746 feet east of Honeysuckle Road (911 Address: 34582 Daisey Road, Frankford) said property being identified as Sussex County Tax Map Parcel Number 5-33-6.00-125.00.

1. The Board was given copies of the Application, a survey of the property dated November 15, 2018, a building permit application, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Kevin Clear was sworn in to testify about the Application.
4. The Board found that Mr. Clear testified that he hired a builder to construct a pole building. The builder staked the Property but then went out of business. He then hired another company to complete the pole building and that company built based on the layout by the original company. After construction was completed, the encroachment into the front yard setback area was discovered
5. The Board found that Mr. Clear testified that there was previously a 100 year old building on the site where the pole building was constructed. The older building was only 17 feet from the front property line.
6. The Board found that Mr. Clear testified that the neighbors support the Application and he has received no complaints about the building.
7. The Board found that Mr. Clear testified that the Property is unique because it is long and narrow.
8. The Board found that Mr. Clear testified that the Property could not otherwise be developed as the septic system is on the other side of driveway.
9. The Board found that Mr. Clear testified that the exceptional practical difficulty was not created by the Applicant as he relied on the company he hired to follow setbacks.
10. The Board found that Mr. Clear testified that the variance will not alter the character of the neighborhood as pole building already exists.
11. The Board found that Mr. Clear testified that the shed will be moved into compliance with the Code so no side yard variance is needed.
12. The Board found that Mr. Clear testified that the variance requested is the minimum variance to afford relief.
13. The Board found that Mr. Clear testified that there is approximately 12 feet from the front property line to the edge of paving.
14. The Board found that two (2) parties appeared in support of and no one in opposition to the Application.

15. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application for the variance for the pole building met the standards for granting a variance. The findings below further support the Board's decision to approve the Application for the variances for that structure.
- a. The Property is unique due to its size and shape. The Property is long and narrow. These unique characteristics of this Property limit the buildable area available to the Applicant and have created an exceptional practical difficulty for the Applicant who seeks to retain an existing pole building on the lot. The Board also notes that the location of the septic system within the building envelope further limits the developable area of the lot.
 - b. Due to the uniqueness of the lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Property has a unique size and the buildable area thereof is limited due to its size, shape, and location of the septic system. The Applicant seeks to retain an existing pole building on the lot but is unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variance is necessary to enable the reasonable use of the Property as the variance will allow a reasonably sized existing pole building to remain on the lot. The Board is convinced that the shape and location of this structure is also reasonable, which is confirmed when reviewing the survey provided by the Applicant.
 - c. The exceptional practical difficulty was not created by the Applicant. The Applicant did not create the unusual size and shape of the Property. These conditions have resulted in a limited building envelope on the Property and the small building envelope has created the exceptional practical difficulty. The narrow building envelope was further limited by the location of the septic system. The unique characteristics of the Property are clear when reviewing the survey. The Board is convinced that the exceptional practical difficulty was not created by the Applicant but was created by the lot's unique characteristics. The Board also notes that the Applicant relied on a builder to construct the pole building in compliance with the Code only to later discover the error.
 - d. The variance will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the pole building will have no effect on the character of the neighborhood. The pole building replaced a prior structure which had been on the Property for approximately 100 years and the pole building is located farther from the road than the prior building. The Board notes that there were no complaints noted complaints in the record about either structure. Furthermore, no evidence was presented that the variance would somehow alter the essential character of the neighborhood. The lack of evidence is telling since, if the pole building had somehow altered the essential character of the neighborhood, the Board would expect some evidence thereof. The Board also notes that there is approximately 12 feet from the front property line to the edge of paving of Daisey Road so the encroachment into the setback area is likely difficult to notice without a survey.
 - e. The variance sought is the minimum variance necessary to afford relief and the variance requested represents the least modification possible of the regulation at issue. The Applicant has demonstrated that the variance

sought will allow the Applicant to retain an existing pole building. No additions or modifications to the existing pole building are proposed.

The Board approved the variance application for the pole building finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application for the pole building was approved. The Board Members in favor of the motion to approve were Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman. No Board Member voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



John Mills
Chairman

If the use is not established within two (2) years from the date below the application becomes void.

Date March 5, 2019

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: HEATHER OSBORNE

(Case No. 12307)

A hearing was held after due notice on May 20, 2019. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to operate a commercial dog kennel.

Findings of Fact

The Board found that the Applicant is requesting a special use exception for a commercial kennel. This application pertains to certain real property located on the south side of Daisey Road approximately 746 feet east of Honeysuckle Road (911 Address: 34582 Daisey Road, Frankford) said property being identified as Sussex County Tax Map Parcel Number 5-33-6.00-125.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a letter from the Applicant, Findings of Fact for Case No. 12260, a survey of the Property dated November 15, 2018, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning and Zoning received one letter in support of and no correspondence in opposition to the Application.
3. The Board found that Heather Osborne was sworn in to give testimony about the Application.
4. The Board found that Ms. Osborne testified that she has operated her commercial dog kennel for approximately two years and she was unaware that she needed a special use exception to operate a commercial kennel as she is licensed with the business licensing board.
5. The Board found that Ms. Osborne testified that neighbors support the Application. One neighbor even uses the service. She received a letter of support from one neighbor and the neighbor to the west has told Ms. Osborne that she does not have any complaints about the kennel.
6. The Board found that Ms. Osborne testified that the hours of operation are 7 a.m. – 6 p.m. but she does offer overnight boarding as well.
7. The Board found that Ms. Osborne testified that there are typically 8 dogs total on the Property; 3 of which are the Applicant's own dogs.
8. The Board found that Ms. Osborne testified that there have been no noise complaints and that there are no odors emanating from the site.
9. The Board found that Ms. Osborne testified that there is adequate parking.
10. The Board found that Ms. Osborne testified that there are no employees.
11. The Board found that Ms. Osborne testified that the commercial kennel will not substantially affect adversely the uses of neighboring and adjacent properties
12. The Board found that Paul Rieger appeared in opposition to the Application. He expressed concerns about the 200 feet setback requirement.
13. The Board found that two parties appeared in support of the Application.
14. The Board found that one party appeared in opposition to the Application.
15. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found weighed and considered, the Board determined that the application met the standards for granting a special use exception because the commercial dog kennel will not

substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.

- a. The Applicant has operated a commercial dog kennel on the Property for approximately two (2) years and has not received any complaints from neighbors. One neighbor even uses the service.
- b. The number of dogs served at the kennel is limited and reasonable. The Applicant only serves up to 8-15 dogs. Three of those dogs are owned by the Applicant.
- c. The opposition presented no evidence of how the kennel would substantially affect adversely the uses of neighboring and adjacent properties. Rather, the Board received evidence that the immediate neighbors support the Application.
- d. The Applicant lives on the Property and she has direct control over the kennel operations and can address any minor noise issues that may come from barking dogs at the kennel.
- e. There is no clear evidence that the use of the property as a kennel will have a substantial, adverse effect on the uses of neighboring or adjacent properties. There was not credible testimony that the use will have an adverse impact upon property values, or specific credible examples that the use will impair the use of surrounding properties.
- f. There was no evidence that the kennel would result in issues with odors, traffic, lighting, noise, or emissions.
- g. The special use exception was approved for a period of five (5) years.

The Board granted the special use exception application for a period of five (5) years finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved for a period of five (5) years. The Board Members in favor of the motion to approve were Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. John Williamson, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


John Mills
Chairman

If the use is not established within two (2) years from the date below the application becomes void.

Date June 18, 2019.

Board of Adjustment Application
Sussex County, Delaware
Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Case # BJA No 12940
Hearing Date 5-20-2024 @ 6:00 pm

RECEIVED

APR 02 2024

SUSSEX COUNTY PLANNING & ZONING

Type of Application: (please check all applicable)

Variance [checked]
Special Use Exception []
Administrative Variance []
Appeal []

Existing Condition []
Proposed [checked]
Code Reference (office use only)

Site Address of Variance/Special Use Exception:

30852 White Oak Road, Dagsboro DE, 19939

Variance/Special Use Exception/Appeal Requested:

Variance in the amount of 5 feet from the 15 feet side yard setback to allow for a proposed dwelling to be located 10 feet from the side yard property line. Sussex County Zoning Ordinance, Sections 115-20, 115-25, 115-183, 115-184, 115-187.

Tax Map #: 134-6.00-43.00

Property Zoning: AR-1

Applicant Information

Applicant Name: William D. Abel & Vicki L. Abel
Applicant Address: 10485 Enfield Rd.
City Felton State PA Zip: 17322
Applicant Phone #: (717) 870-5909 Applicant e-mail: vickia1976@gmail.com

Owner Information

Owner Name: William D. Abel & Vicki L. Abel
Owner Address: 10485 Enfield Rd.
City Felton State PA Zip: 17322 Purchase Date: 5/16/07
Owner Phone #: (717) 870-5909 Owner e-mail: vickia1976@gmail.com

Agent/Attorney Information

Agent/Attorney Name: Saul Ewing LLP c/o Mackenzie Peet, Esquire
Agent/Attorney Address: 1201 N. Market Street, Suite 2300
City Wilmington State DE Zip: 19801
Agent/Attorney Phone #: (302) 421-6826 Agent/Attorney e-mail: mackenzie.peet@saul.com

Signature of Owner/Agent/Attorney

[Handwritten signature of Mackenzie Peet, Esq.]
Mackenzie Peet, Esq.

Date: 4/2/2024



Sussex County, DE - BOA Application

Criteria for a Variance: (Please provide a written statement regarding each criteria).

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

The property's buildable area is limited due to unique conditions. These conditions include the presence of an existing driveway and garage, a septic system in the rear yard, and a well house in the front yard.

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

Due to the unique conditions, strict conformity with the Code is not possible. As a result of the unique conditions, the proposed home will be situated in a location that closely aligns with the previous home's placement.

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

Such exceptional practical difficulty has not been created by the applicant. The existing unique conditions that limit the developable area were created by the prior owner's improvements (existing driveway & garage, septic and well placement) as well as the applicant's professionals' misunderstanding of the applicability of the Small Lots Ordinance to the property.

4. Will not alter the essential character of the neighborhood:

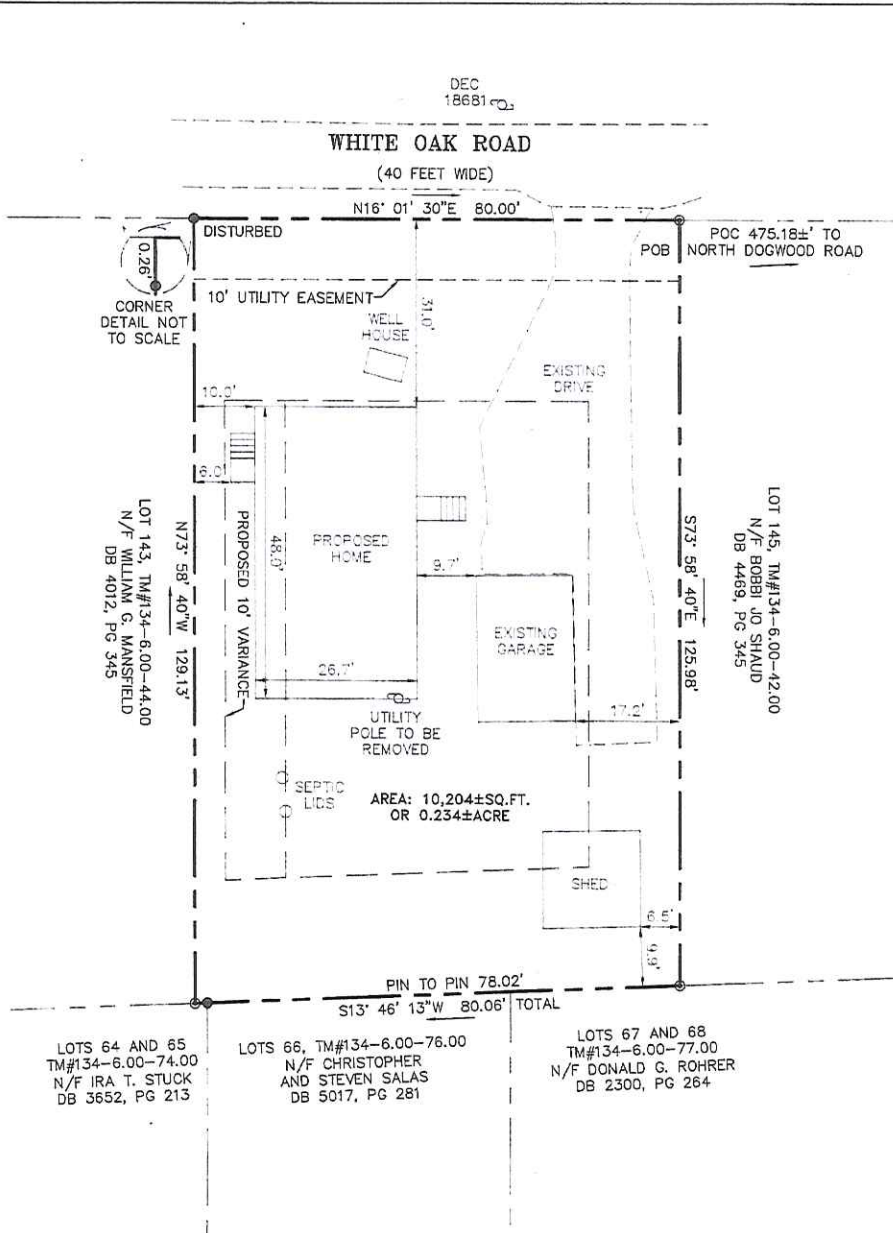
That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The placement of the home in approximately same location as the prior home will not alter the essential character of the neighborhood. To the contrary, the location of the home in approximately the same location is consistent with the historical condition of the property.

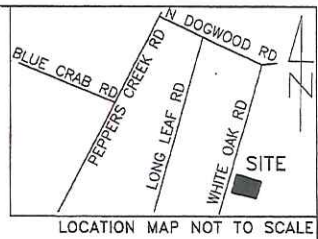
5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

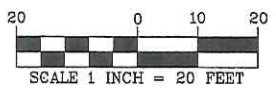
The requested variance represents the minimum variance required to provide the necessary relief, as the existing conditions on site make it the only location that will allow for the functional use and maintenance of the property.



DSPC NSRS 2011

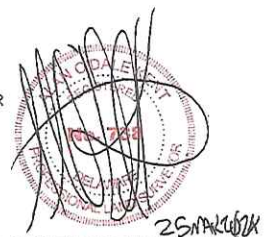


- PLAN DATA:
- TITLE REFERENCED TO:
TM# 134-6.00-43.00, DB 3450, PG 87, PB 8, PG 493.
30852 WHITE OAK ROAD, DAGSBORO, DE 19939
LOT 144, SECTION 3, DOGWOOD ACRES
BALTIMORE HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
 - NO TITLE REPORT PERFORMED OR FURNISHED IN PREPARATION OF THIS PLAT.
 - THIS PLAN DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF EASEMENTS OR RIGHTS OF WAY AS A FULL AND COMPLETE SEARCH MAY REVEAL IN THE SUSSEX COUNTY RECORDER OF DEEDS.
 - ACCORDING TO SUSSEX COUNTY PLANNING AND ZONING, THE ZONING IS AR-1. THE SETBACKS ARE: FRONT-30', SIDE-15', AND REAR-20'.
 - ALL SIDE AND REAR LOT LINES MAY BE USED FOR CENTERLINE OF A 10' DRAINAGE AND/OR UTILITY EASEMENTS WHEN NEEDED OR REQUIRED.



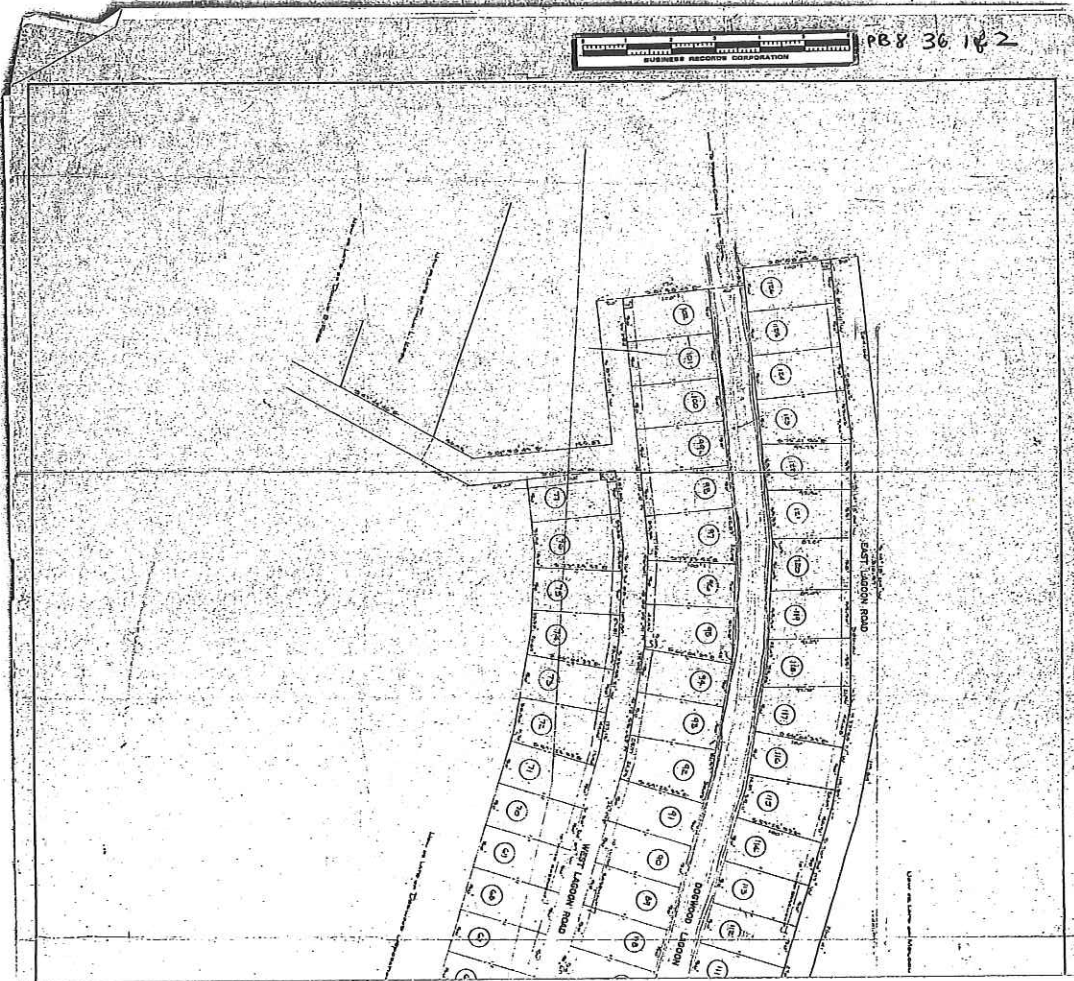
- LEGEND:
- ⊙ CAPPED IRON PIN SET
 - ⊙ IRON PIPE FOUND
 - PROPERTY LINE
 - - - ADJOINING PROPERTY LINE
 - - - BUILDING RESTRICTION LINE
 - - - ROAD SEAM
 - - - ROAD EDGE
 - - - EXISTING EASEMENT

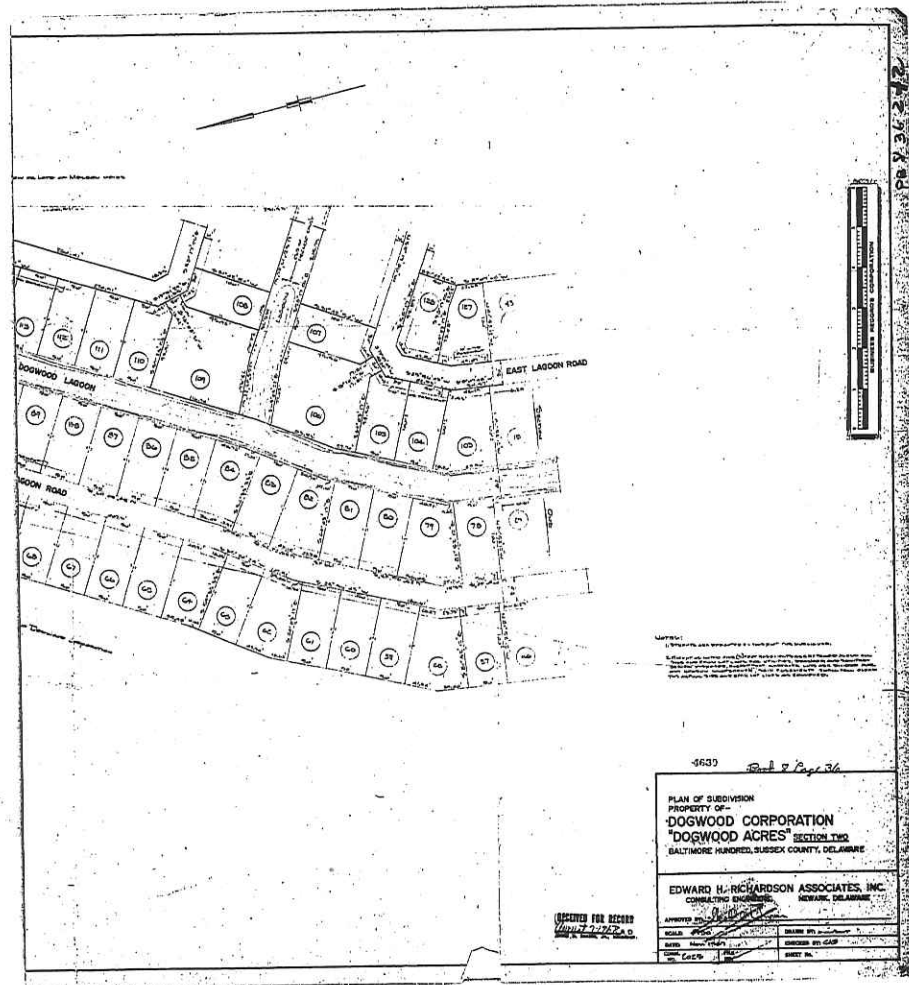
I, ALAN O'DALE KENT, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.



ALAN O'DALE KENT, PLS#738, DATE

JOB # 2024062	THIS IS A SUBURBAN SURVEY
DATE OF PLAN 22 MAR 2024	BOUNDARY SURVEY PLAN, SITE PLAN, AND VARIANCE REQUEST FOR BEN WELLS MASONRY OF THE LANDS NOW OR FORMERLY OF WILLIAM D. ABEL AND VICKI L. ABEL
DATE OF LAST FIELD WORK 20 MAR 2024	PREPARED BY ALAN O'DALE KENT, PLS#738 DELAWARE 2024-03-22





4/1/24, 1:12 PM

Property Search

PARID: 134-6.00-43.00
 ABEL WILLIAM D

30852 WHITE OAK RD

Property Information

Property Location: 30852 WHITE OAK RD
 Unit:
 City: DAGSBORO
 State: DE
 Zip: 19939
 Class: RES-Residential
 Use Code (LUC): RT-RESIDENTIAL MH ON OWN LAND
 Town: 00-None
 Tax District: 134 - BALTIMORE
 School District: 1 - INDIAN RIVER
 Fire District: 84-Millville
 Deeded Acres: .2369
 Frontage: 80
 Depth: 129.000
 Irr Lot:
 Plot Book Page: /PB
 100% Land Value: \$4,000
 100% Improvement Value: \$7,700
 100% Total Value: \$11,700

Legal

Legal Description: DOGWOOD ACRES
 LOT 144
 SEC 3

Owners

Owner	Co-owner	Address	City	State	Zip
ABEL WILLIAM D	VICKI L ABEL	10485 ENFIELD RD	FELTON	PA	17322

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
05/16/2007	3450/87	\$137,000.00	\$2,055.00	0	
07/21/2000	/	\$40,000.00	\$600.00	0	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2023	ABEL WILLIAM D	VICKI L ABEL	10485 ENFIELD RD	FELTON	PA	17322	3450/87
2022	ABEL WILLIAM D	VICKI L ABEL	10485 ENFIELD RD	FELTON	PA	17322	3450/87
2021	ABEL WILLIAM D	VICKI L ABEL	10485 ENFIELD RD	FELTON	PA	17322	3450/87
2020	ABEL WILLIAM D	VICKI L ABEL	10485 ENFIELD RD	FELTON	PA	17322	3450/87
2019	ABEL WILLIAM D	VICKI L ABEL	10485 ENFIELD RD	FELTON	PA	17322	3450/87
2018	ABEL WILLIAM D	VICKI L ABEL	10485 ENFIELD RD	FELTON	PA	17322	3450/87
2017	ABEL WILLIAM D	VICKI L ABEL	10485 ENFIELD RD	FELTON	PA	17322	3450/87
2012	ABEL WILLIAM D		VICKI L ABEL 10485 ENFIELD RD	FELTON	PA	17322	3450/87
2007	ABEL WILLIAM D VICKI L ABEL		10485 ENFIELD RD	FELTON	PA	17322	3450/87
2007	ABEL WILLIAM D VICKI L ABEL		10485 ENFIELD RD	FELTON	PA	17322	3450/87
2001	STICHLER RAY R SUSAN W		RR 2 BOX 4095A	JONESTOWN	PA	17038	2506/160
1900	HELEN ADA					0	658/581
1900	HELEN ADA					0	0/0

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RT	80	129	.2369	

4/1/24, 1:12 PM

Property Search

Land Summary

Line	1
100% Land Value	4,000

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$4,000	\$7,700	\$11,700

50% Values

50% Land Value	50% Improv Value	50% Total Value
\$2,000	\$3,850	\$5,850

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
12-JAN-2024	202317512	\$54,445	NEW PLACEMENT: 2024 27X48 CHAMPION
22-JUN-1988	23616-1	\$100	SHED-DOGWOOD AC.LOT 144BK.3

000023606
AK03450 PG00087

RETURN TO:
William D. Abel
Vicki L. Abel
10485 Enfield Road
Felton, PA 17322

TAX MAP: 1-34-6-43
PREPARED BY: D. Stephen Parsons, P.A.
P.O. Box 480
Ocean View, DE 19970
File No. 28316ke/mmo

THIS DEED, made this 11TH day of May, 2007,

- BETWEEN -

RAY R. STICHLER and SUSAN W. STICHLER, his wife, of 9 Trout Lake Lane, Grantville, PA 17028, parties of the first part,

- AND -

WILLIAM D. ABEL and VICKI L. ABEL, his wife, of 10485 Enfield Road, Felton, PA 17322, parties of the second part, as tenants by the entirety.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR and 00/100 (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part:

ALL that certain lot, piece or parcel of land in Baltimore Hundred, Sussex County, Delaware, Known and designated as **LOT NO. 144, SECTION 3, DOGWOOD ACRES**, being more particularly bounded and described as follows:

BEGINNING at the southwesterly corner of Lot No. 66 of Dogwood Acres which plot is of record in Plot Book 8, at Page 36; thence North 57° 10' 46" West for a distance of 129.16 feet to the right of way line of White Oak Drive; thence by and with White Oak Drive North 32° 49' 14" East for a distance of 80 feet to a point; thence South 57° 10' 46" East for a distance of 126.5 feet plus or minus to a point in the rear boundary line of Lot No. 67 of Section 2, Dogwood Acres; thence South 30° 34' 07" West for a distance of 80 feet home to the place of beginning.

BEING the same lands conveyed to Ray R. Stichler and Susan W. Stichler, his wife, by Deed of Charles Edward Stone, Sr., and Helen Ada Stone, his wife, said Deed dated July 21, 2000, and filed for record in the Office of the Recorder of Deeds, in Sussex County, Delaware, in Deed Book 2506, Page 160.


Consideration:	\$137000.00	Exempt Code: A


County	State	Total
2055.00	2055.00	4110.00
counter	Date: 05/16/2007	

000023606
BK03450 PG00088

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the presence of:







Ray R. Stichler (SEAL)



Susan W. Stichler (SEAL)

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 11TH day of May, 2007, personally came before me, the subscriber, Ray R. Stichler and Susan W. Stichler, his wife, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

STATE OF DELAWARE
MEREDITH KAY EMORY
NOTARY PUBLIC
EXPIRATION 4-29-2011



Notary Public

RECEIVED

MAY 17 2007

**ASSESSMENT DIVISION
OF SUSSEX COUNTY**

RECORDER OF DEEDS
JOHN F. BRADY
05/16/2007 08:58A
SUSSEX COUNTY
DOC. SURCHARGE PAID

ABEL PROPERTY IMAGES



Image 1. Abel Property – Current Condition



Image 2. Prior Condition

Abel - Aerial - Prior Condition



03/06/2023

Sussex County



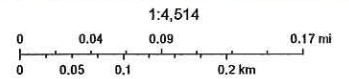
April 1, 2024

- layer47
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3

- polygonLayer
- Override 1
 - Override 2
 - Zoning
 - General Residential - GR

- Marine - M
- Tax Parcels
- Streets
- County Boundaries
- World Imagery

- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 1.2m Resolution Metadata



Sussex County Government, Mavar

Sussex County



April 1, 2024

layer47

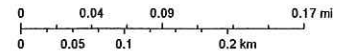
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- 2019 Future Land Use
- Override 1
 - Override 2
 - Coastal Area

polygonLayer

- Tax Parcels
- Streets
- County Boundaries
- World Imagery
- Low Resolution 15m Imagery

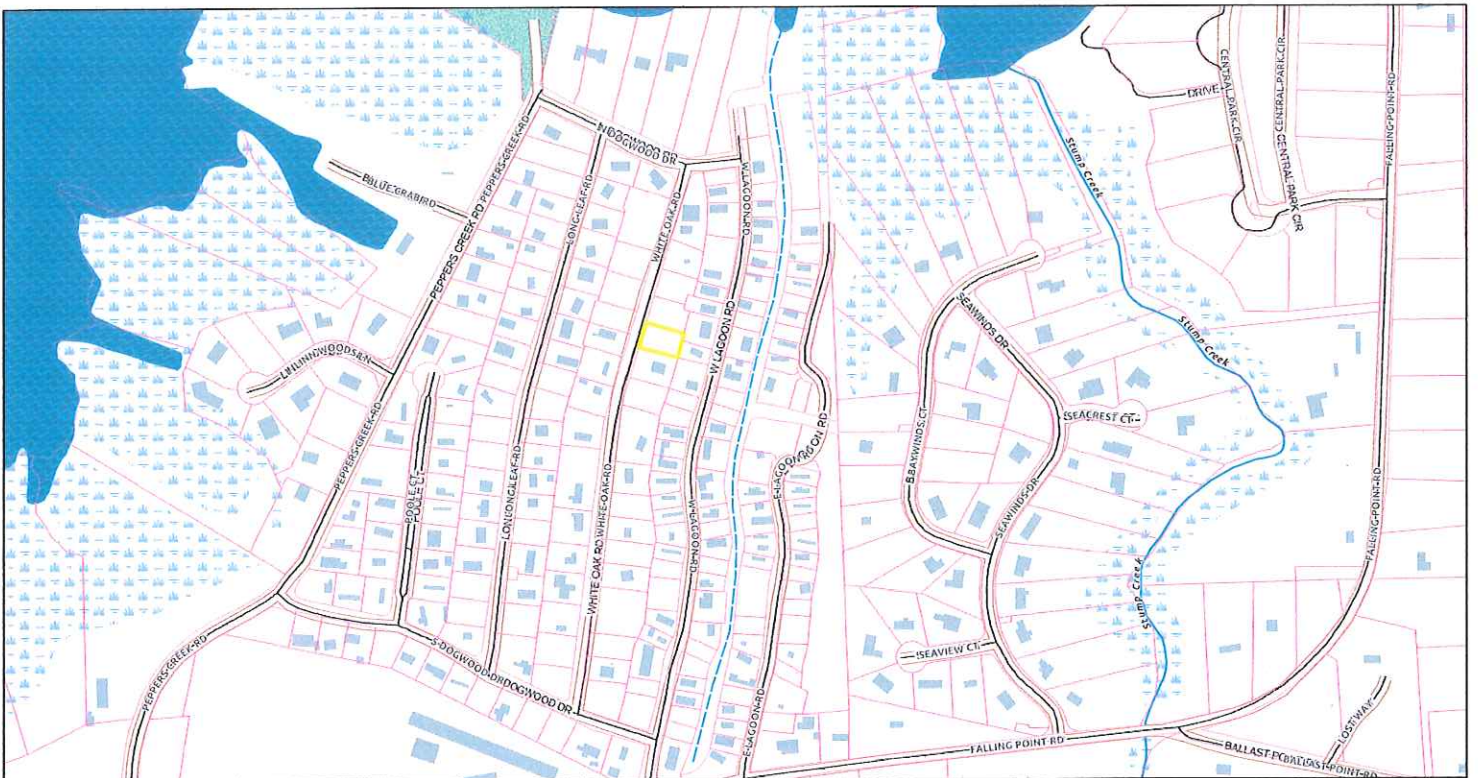
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 1.2m Resolution Metadata

1:4,514



Sussex County Government, Maxar

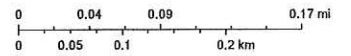
Sussex County



April 1, 2024

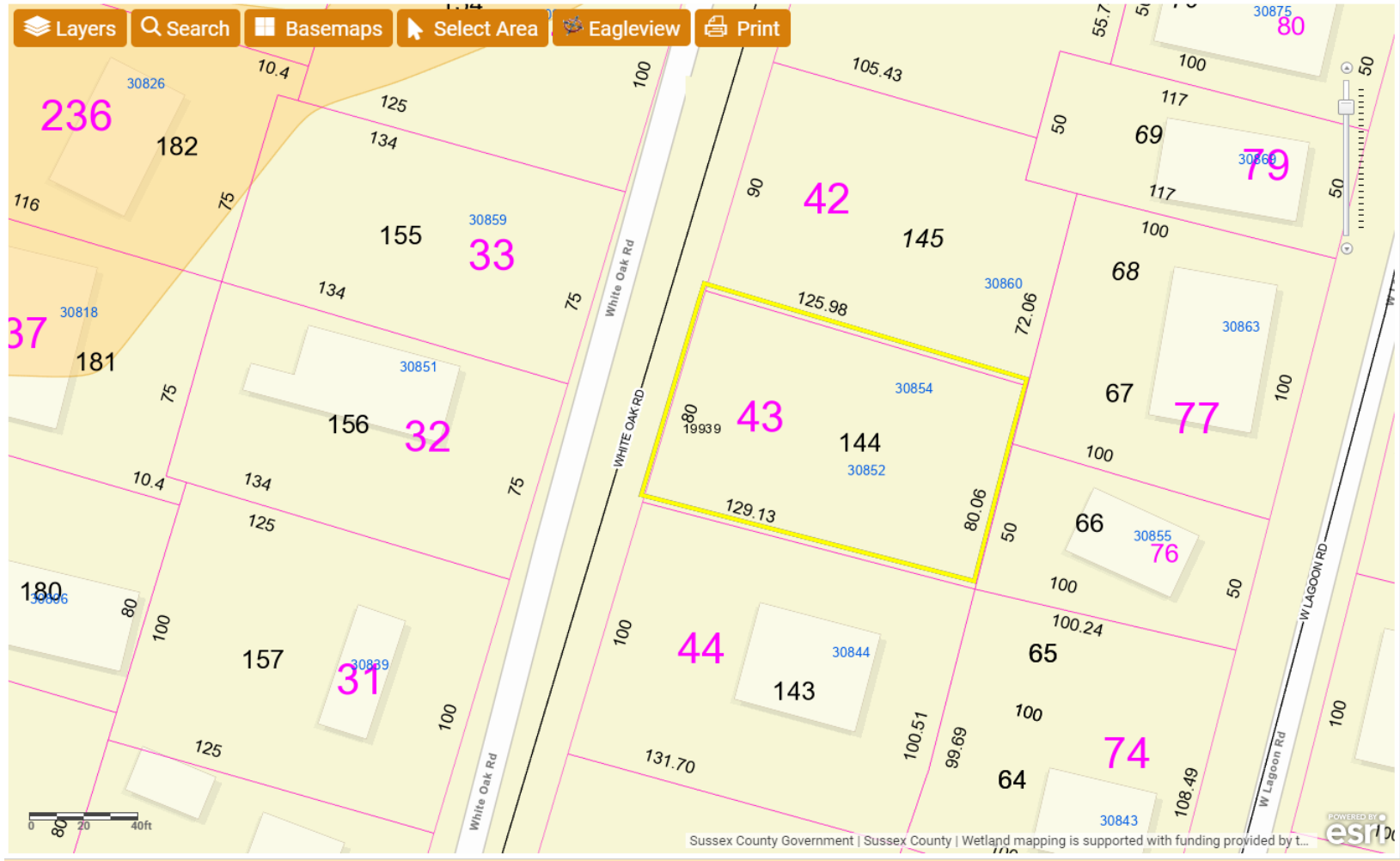
- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514



Sussex County Government, Esri Community Maps Contributors, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 134-6.00-43.00 Zoom

BOOK	3450
PAGE	87
FULLNAME	ABEL WILLIAM D
Second_Owner_Name	VICKI L ABEL
MAILINGADDRESS	10485 ENFIELD RD
CITY	FELTON
STATE	PA
a_account	
DESCRIPTION	DOGWOOD ACRES
DESCRIPTION2	LOT 144
DESCRIPTION3	SEC 3
LUC	999
SCHOOL	
MUNI	00
CAP	0
APRBLDG	7700
APRLAND	4000
PINWASSEMENTUNIT	134-6.00-43.00
PIN	134-6.00-43.00

Navigation icons: Home, Previous, Up, Down, Next, Full Screen

Selected Features (1)

Clear Selected



Search [X]

Search by SUSSEXPARELS ▾

134-6.00-43.00 [Q]

Search results (1) Options ▾

▶ 134-6.00-43.00

Workspaces ▾

© 2023 Eagleview



map: Auto (Ortho) ▾ Dates: Latest ▾ < image 1 of 5 > 03/06/2023



Application No: 2024041638

Case # 12944

Hearing Date 5-20-24 06:00

RECEIVED

APR 04 2024

SUSSEX COUNTY PLANNING & ZONING

Board of Adjustment Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check all applicable)

Variance [checked]
Special Use Exception []
Administrative Variance []
Appeal []

Existing Condition []
Proposed []
Code Reference (office use only)

Site Address of Variance/Special Use Exception:

97 Tulip Drive Lewes, DE

Variance/Special Use Exception/Appeal Requested:

Parking spaces from 113 to 76, waiver from 20' buffer along Route 1 in CHOCZ, Setbacks from 30' to 10' on rear against residential, 20' to 10' on side against residential pond at Five points, building over setback per 115-182C in front

Tax Map #: 335-11.00-93.00

Property Zoning: C-1

Applicant Information

Applicant Name: Coastline Properties LLC c/o Scott Lednum
Applicant Address: 36818 Bayside Drive
City Fenwick Island State De Zip: 19944
Applicant Phone #: (302) 381-9247 Applicant e-mail:

Owner Information

Owner Name: Coastline Properties LLC
Owner Address: 36818 Bayside Drive
City Fenwick Island State DE Zip: 19944 Purchase Date:
Owner Phone #: (302) 381-9247 Owner e-mail:

Agent/Attorney Information

Agent/Attorney Name: Plitko LLC, Engineering
Agent/Attorney Address: 53 Atlantic Ave
City Ocean View State De Zip: 19970
Agent/Attorney Phone #: (302) 537-1919 Agent/Attorney e-mail: will@plitko.com

Signature of Owner/Agent/Attorney

Will Kernodle
Digitally signed by Will Kernodle
DN: cn=Will Kernodle, o, ou,
email=will@plitko.com, c=US
Date: 2024.04.02 13:46:25 -0400'

Date: 4/2/24



Sussex County, DE - BOA Application

Criteria for a Variance: (Please provide a written statement regarding each criteria).

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

Existing buildings on-site that are currently open and have been in business for many years. The need to limit the disturbance to these businesses while creating a better flow to the property and new opportunities to the site. The State has taken frontage over the years to make upgrades to the intersection along Route 1 and taken away area that would be for parking and buffer. There is a grass area between property line now.

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

Due to the existing conditions and requirements for the number of parking spaces and emergency access, without the variances, the property could not be developed to what the owner hopes to bring and upgrade the site. Existing small businesses on-site looking to expand would suffer from not getting their desired amount of space.

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

Due to the existing conditions out front and requirements for the number of parking spaces, and emergency access, without the variances, the ordinance makes it difficult to provide the request new space for two existing businesses who have been a pillar in the community for over 28 years.

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The additional retail spaces being proposed brings more opportunity for expansion and sales to the existing businesses who occupy this property currently. The properties use is for retail sales, service and manufacturing currently and will continue to be this. The new layout will provide for more retail area while also providing much needed parking, clear travel areas and better emergency access.

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Reduction in parking is similar in percentage to that in the existing conditions. Currently the site has a deficiency in parking but does not have issues. The setback to the side is against a stormwater pond as stated previously. Moving the setback over 10' will not affect anything. The rear setback already consists of a fence to help shield the residential property that is 80 feet away. The existing front building is set over the setback currently. Asking for 115-182C on new.

Sussex County, DE - BOA Application

Criteria for a Special Use Exception: (Please provide a written statement regarding each criteria)

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Special Use Exception to be granted.

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

Side setback is against a pond with very little to no chance at future residential growth, to the North is commercial property and more retail traffic will drive business to the area. A fence currently separates the rear property to the residential house which also sits 80 plus feet away from that fence to the North East. The proposed plan would provide any improvements as deemed necessary to the fence. We could also add a 5'-8' planted buffer if the board deemed it helpful.

2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

We understand and will comply with all requirements by Sussex County code if granted the special exceptions for parking, waiver on 20' planted buffer along the front in the CHOCOZ, building setbacks on rear and side against a residential district and the front yard building setback as it relates to 115-182C.

Basis for Appeal: (Please provide a written statement regarding reason for appeal)

As stated, the property has a front setback challenge based on Del DOT's taking of land over the years. In the existing conditions, most of the existing parking and travel lane are in the area where a 20' buffer would be. If required to put a 20' buffer in, there would not be enough room to place parking or a 2 way travel lane in the existing or proposed conditions. We would point out that there is existing green space between the road and our site currently. Changing the side setback on the Five Points pond side has no impact on that property. The closest house sits over 225 feet from our site. The house to the rear sits over 80 plus feet behind the current separation fence and property line. Adding a new building 10' off that fence line is not going to effect that residence. The new retail building will actually clean up the look of the property as it will take away the outdoor granite display area and the stands that hold the slabs in place. In order to provide much needed travel lanes, emergency access and loading space on the property, the need to limit parking is necessary. The property has operated on a 33.33% parking deficiency for many years. The proposed site will make it slightly better.



PLITKO LLC
ENGINEERING

Phone: 302-537-1919
Mobile: 302-222-2075
Email: rplitko@plitko.com
53 Atlantic Ave., Suite#3
Ocean View, DE 19970

RECEIVED

APR 04 2024

SUSSEX COUNTY
PLANNING & ZONING

LETTER OF TRANSMITTAL

TO: Sussex County P&Z
2 The Circle
Georgetown, DE 19947

DATE: 04/02/24	JOB NO.
PROJECT: Creative Concepts	
RE: zoning variance	

WE ARE SENDING YOU ATTACHED UNDER SEPARATE COVER VIA _____ THE FOLLOWING ITEMS:

- Shop Drawings Prints Plans Samples Specifications
 Copy of Letter Change Order check & application

COPIES	DATE	NO.	DESCRIPTION
1			Variance site plan
1			BOA application
1			Check for 500.00 #2862

THESE ARE TRANSMITTED as checked below:

- FOR APPROVAL APPROVED AS SUBMITTED RESUBMIT _____ COPIES FOR APPROVAL
 FOR YOUR USE APPROVED AS NOTED SUBMIT _____ COPIES FOR DISTRIBUTION
 AS REQUESTED RETURNED FOR CORRECTIONS RETURN _____ CORRECTED PRINTS
 FOR REVIEW AND COMMENT _____
 FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS

SIGNED: Will Kernodle COPY TO: file

Document#

PARKING DATA

EXISTING:
 FURNITURE STORE - 12,000 SF.
 CODE: 1 PER 400 SF. OF FLOOR SPACE
 12,000 SF / 400 = 30 SPACES REQ'D
 EXISTING CONDITIONS PROVIDED = 20 SPACES
 DEFICIENCY = 10 SPACES

GRANITE SHOP WITH 500 SF. OF RETAIL/OFFICE SPACE - 3,270 SF. TOTAL
 CODE: 1 PER 200 SF. OF SALES/RETAIL FLOOR PLUS 1 SPACE PER 2 EMPLOYEES
 500 SF. / 200 = 3 SPACES REQ'D
 4 EMPLOYEES = 2 SPACES REQ'D
 REQ'D SPACES = 5

TOTAL EXISTING SPACES = 35 REQ'D - 25 PROVIDED

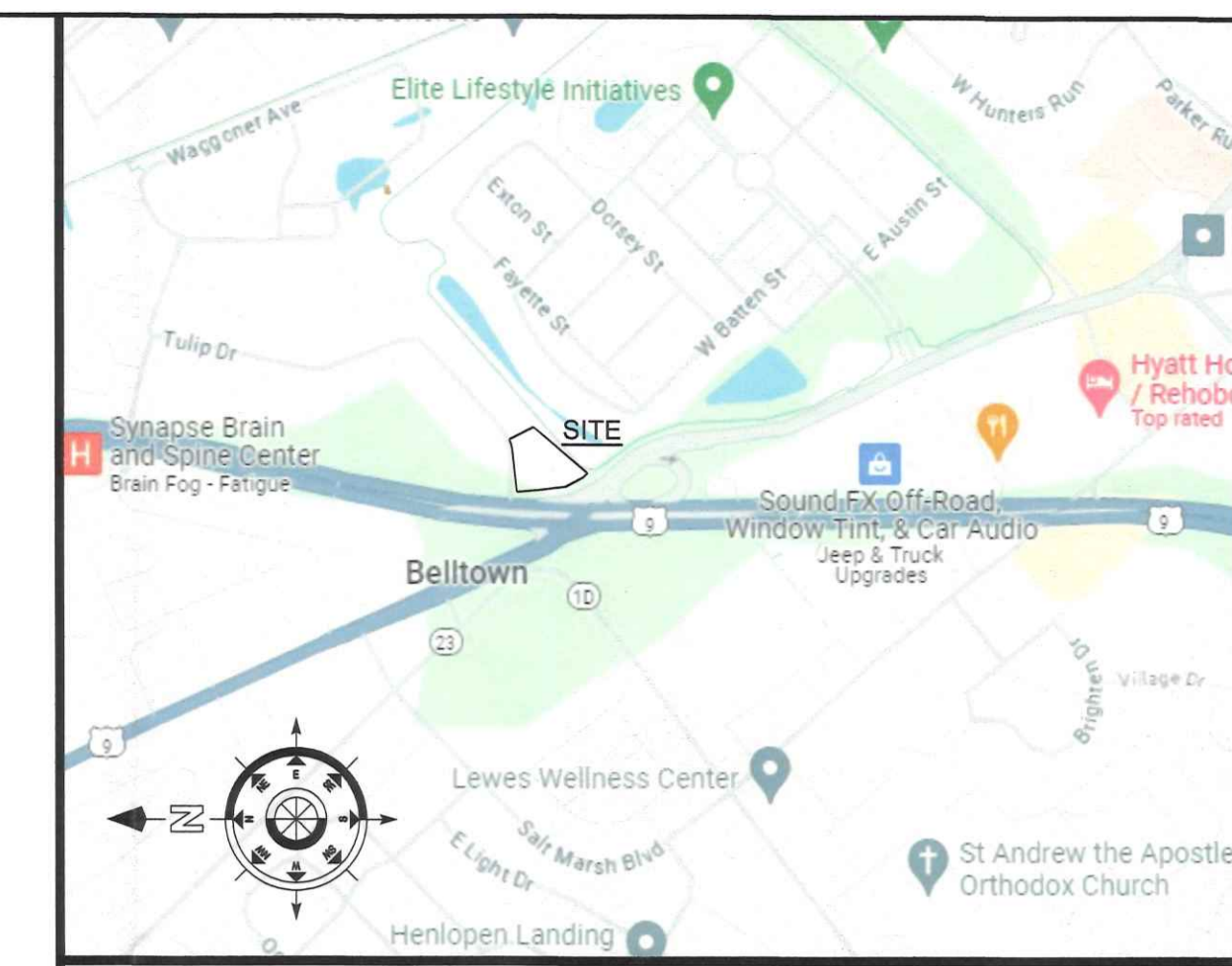
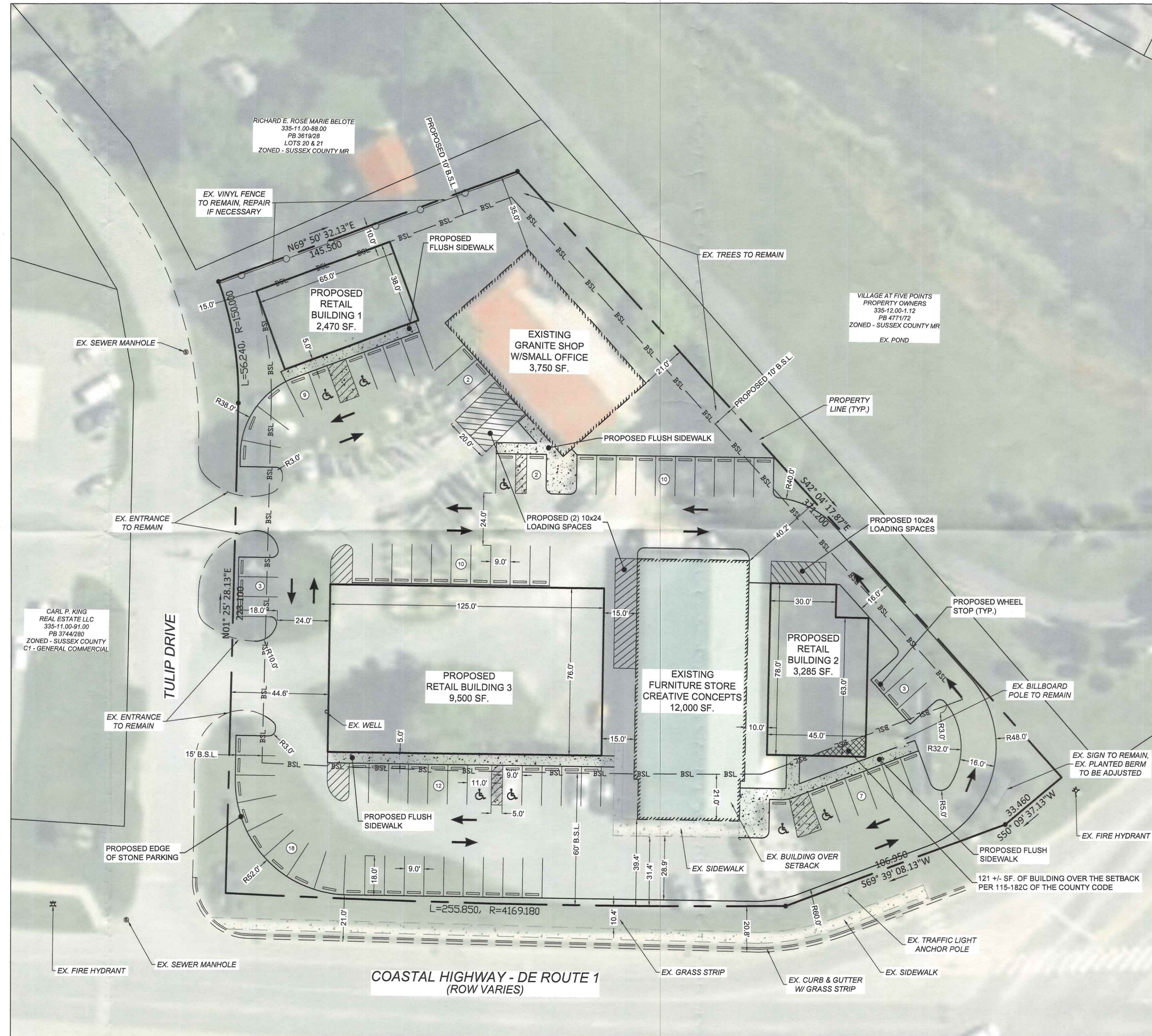
PROPOSED:
 RETAIL 1 - 2,470 SF.
 CODE: 1 PER 200 SF. OF FLOOR SPACE
 2,470 SF. / 200 = 13 SPACES REQ'D

RETAIL 2 - 3,285 SF.
 CODE: 1 PER 200 SF. OF FLOOR SPACE
 3,285 SF. / 200 = 17 SPACES REQ'D

RETAIL 3 - 9,500 SF.
 CODE: 1 PER 200 SF. OF FLOOR SPACE
 9,500 SF. / 200 = 48 SPACES REQ'D

TOTAL PROPOSED SPACES REQ'D = 78 SPACES
 TOTAL EXISTING SPACES REQ'D = 35 SPACES
 TOTAL SPACES REQ'D FOR SITE = 113 SPACES
 TOTAL SPACES PROVIDED FOR SITE = 76 SPACES

TOTAL SPACES DEFICIENT EXISTING CONDITIONS = 10 SPACES (33.33% FOR SITE)
 TOTAL SPACES DEFICIENT PROPOSED CONDITIONS = 37 SPACES (32.74% FOR SITE)



VICINITY MAP 1"=1000'

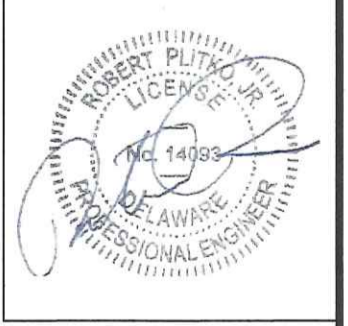
PLAN DATA

- TAX PARCEL: 335-11-00-93.00
 DEED REFERENCE: DB 5387, PG. 118
 LOCATION: 67 TULIP DRIVE, LEWES, DE 19958
- OWNER/DEVELOPER:
 COASTLINE PROPERTIES, LLC
 36818 BAYSIDE DRIVE
 FENWICK ISLAND, DE 19944
 C/O SCOTT LEDNUM
- ENGINEER:
 PLITKO, LLC ENGINEERING
 53 ATLANTIC AVE., SUITE 3
 OCEAN VIEW, DE 19970
 302-537-1919
- PRESENT ZONING: C-1 GENERAL COMMERCIAL
 PROPOSED ZONING: C-1 GENERAL COMMERCIAL
 PRESENT LAND USE: FURNITURE STORE, RETAIL, GRANITE SHOP
 PROPOSED LAND USE: FURNITURE STORE, RETAIL, GRANITE SHOP
- SETBACKS PER DISTRICT:
 FRONT - 60'
 REAR - 30'
 SIDE - 20'
- SETBACKS PROPOSED:
 FRONT - 60'
 CORNER LOT FRONT #2 - 15'
 REAR - 10'
 SIDE - 10'
- SITE SIZE: 1.97 AC. +/-
- THE PROPERTY CAN BE FOUND ON FEMA FLOOD MAP 10005C0331K, PANEL 331 OF 660, DATED MARCH 16, 2015 IN ZONE X. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- SEWER PROVIDED BY SUSSEX COUNTY
- WATER PROVIDED BY CITY OF LEWES
- TRASH IS PRIVATE
- PARKING LOT AND DRIVE AISLES TO REMAIN STONE/GRAVEL AS IT IS IN THE EXISTING CONDITIONS; PARKING SPACES AND STRIPING SHOWN FOR VISUAL PURPOSES ONLY. WHEEL STOPS TO BE PLACED AT THE HEAD OF ALL PARKING SPACES.

OWNER'S PLAN DEVELOPMENT APPROVAL:
 I, as owner of the project shown, hereby approve these plans for development as shown or otherwise noted.

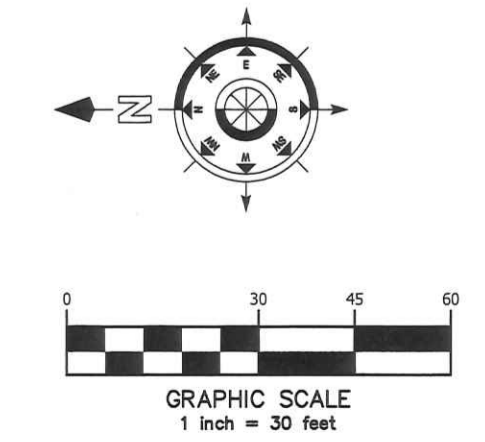
Coastline Properties, LLC
 36818 Bayside Dr.
 Fenwick Island, DE 19944
 302-381-9247

PREPARED BY
 PLITKO, L.L.C.
 53 ATLANTIC AVE., STE 3
 OCEAN VIEW, DE 19970
 PH: 302-537-1919



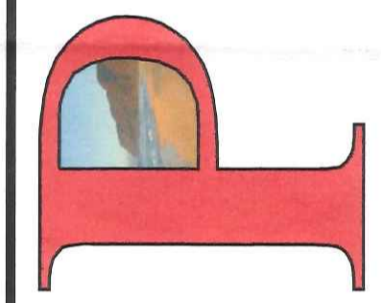
Robert Plitko, Jr., PE DE#14093

SEAL
 4/2/24
 DATE



REVISIONS	REVISION	DATE	DESCRIPTION

PLITKO, LLC
 53 ATLANTIC AVE., STE 3
 OCEAN VIEW, DE 19970
 Phone (302)-537-1919

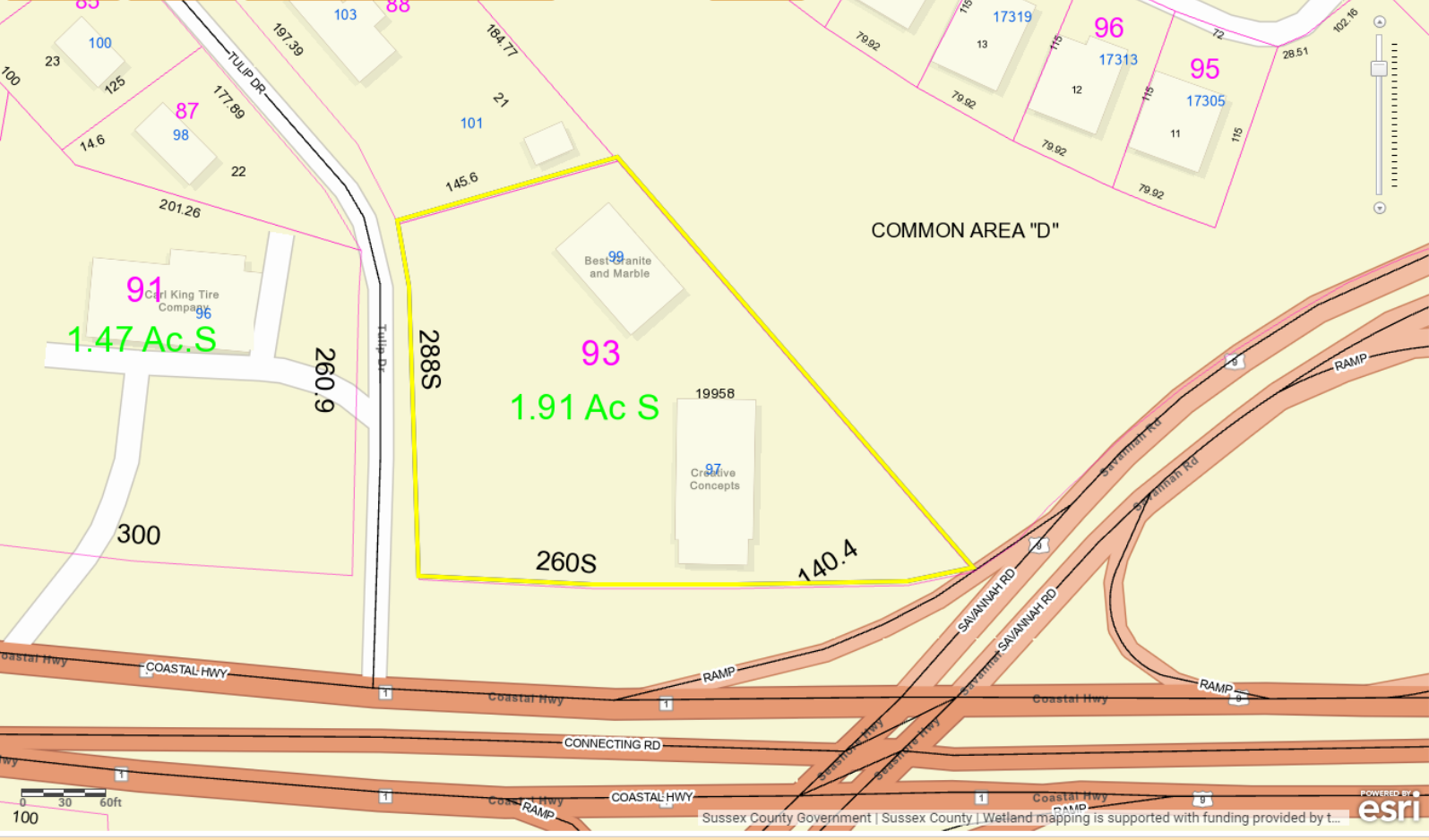


CREATIVE CONCEPTS
 TULIP DRIVE
 TAX PARCEL 335-11-00-93.00
 SUSSEX COUNTY, DELAWARE

Scale:	1"=30'
Designed:	WK
Planned:	
Drawn:	03/13/24
Approved:	RP
Sheet No.	S100

SITE PLAN

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

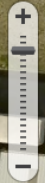
1) 335-11.00-93.00 Zoom

BOOK	5387
PAGE	118
FULLNAME	CREATIVE CONCEPTS
Second_Owner_Name	REAL ESTATE HOLDINGS LLC
MAILINGADDRESS	PO BOX 1250
CITY	OCEAN VIEW
STATE	DE
a_account	10-36-093
DESCRIPTION	N/RT 1
DESCRIPTION2	
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	0
APRBLDG	144900
APRLAND	68000
PINWASSEMENTUNIT	335-11.00-93.00
PIN	335-11.00-93.00

Navigation icons: back, forward, home, search, refresh, etc.

Selected Features (1)

Clear Selected



Search [X]

Search by SUSSEXPARELS ▾

335-11.00-93.00 [Q]

Search results (1) Options ▾

▶ 335-11.00-93.00

Workspaces ▾

© 2023 Eagleview

map: Auto (Ortho) ▾ Dates: Latest ▾ < image 2 of 4 > 03/06/2023

50 ft
10 m

11 No. W.P. 93
CARD OF 5

PROPERTY RECORD CARD

DIST. 3-35	MAP 11	PARCEL 92	CONTROL NO.
ADDRESS			
LAND IDENTIFICATION			
3-35	11	92	
Marsh, Graham A. & Nadine P.			
90 Tidewater Rd., Henlopen Acres			
Rehoboth, De. 19971			
125'x350' Imp.			
DATE OF TRANSFER			
GRANTEE			
REVENUE STAMPS			
SALE PRICE			

Transfer on Bond Clause OWNERSHIP RECORD

LAND RECORD AND VALUATION SUMMARY									
PROPERTY FACTORS			LAND COMPUTATION				BUILDING PERMIT RECORD		
IMPROVEMENTS	STREET OR ROAD	DIMENSIONS	UNIT VALUE	FACTORS	ADJ UNIT VALUE	VALUE	DATE	NUMBER	AMOUNT
	PAVED	FRONT DEPTH		DEPTH OTHER					
	SEMI-IMPROVED								
	UNIMPROVED								
	OTHER								
	SIDEWALK								
ASSESSMENT RECORD									
LAND \$									
BLDG. \$									
TOTAL \$									
LAND \$									
BLDG. \$									
TOTAL \$									
LAND \$									
BLDG. \$									
TOTAL \$									
NOTES									
SUMMARY OF VALUES TOTAL LAND \$ 5000 TOTAL IMPROVEMENTS 93 → \$ 500 TOTAL APPRAISED VALUE \$ 5500 H. L. YOH COMPANY A DIVISION OF DAY AND ZIMMERMANN, INC. PHILADELPHIA, PA.									
Mobile Home on lot used as sales office New Owners: Marsh, Graham A. & Nadine P. 90 Tidewater Rd., Henlopen Acres Rehoboth, Del. 19971 PAID \$73000 92 + 93									

3-35 11 93

From 85,000

To 68,000

73,000

CARD OF

DIST	MAP	PARCEL													
CONTROL NO															
TYPE	OCC	GRADE	DIMENSIONS	AREA	WALLS	STORY HT	1/2 STY	ATTIC	UNIT COST	BASE COST					
1	BT	X	X	1452	1	1			14165	21271					
H. L. YOH CO. PHILA., PA.															
TOTAL GROUND AREA 1452															
PRINCIPAL BUILDING DESCRIPTION															
MASONRY-1	PIER-2	SLAB-3													
NONE-0	1/2-1	1/2-2	1/2-3	FULL-4											
NONE-0	REC AREA-1	APT -2	% OF BASEMENT												
NONE-0	PIPELESS GHA-1	ELECTRIC-2	FHA-3	STM-HW-4											
3-FIXT BATH 2-FIXT BATH SG FIX TOTAL FIXT INDICATE QTY															
NONE-0	1/2-1	1-2	1 1/2-3	2-4	2 1/2-5	3-6	4-7	5-8							
1ST FLOOR 2ND FLOOR 3RD FLOOR															
NONE-0	PL	WB	NONE	PL	WP	NONE	PL	WP							
DIRT	CONC	HW	HW	SW	HW	HW	SW								
NONE-0 HOME POWER UNIT-2 PUBLIC-3															
NONE-0 ONE CAR-1 TWO CAR-2															
WOOD-1	SHGL-2	ALUM-3	BLK-4	BRK OR STN-5	STUCCO-6	COMP-7									
HIP-1	GABLE-2	FLAT-3	MANSARD-4	GAMBREL-5											
WD-COMP-SHGL-1	SLATE-2	METAL-3	TILE-4	ROLL-5	T & G-6										
AREA SQ FT INDICATE QTY															
AREA SQ FT INDICATE QTY															
NONE-0	CENTRAL-1														
NONE-0	1 CAR-1	2 CAR-2	SQ FT												
OTHER 120 1 5.1															
OTHER 0 0															
INDEX TOTALS 106% 19.1															
NOTES:															
BASE COST 3	22540	INDEX PTS \$	22540	X	GRADE FACTOR	3	= REPLACEMENT COST								
ACTUAL AGE	1923	YRS	EFF AGE	GOOD	FAIR	POOR	% PER CENT GOOD 98								
OBSOLESCENCE: FUNC	%	OV'RIMP	%	UND'RIMP	%	OTHER ECON.	%	% NET COND							
ACCESSORY BUILDINGS															
CODE	BUILDING NAME	EXT WALL	GRADE	FLOOR	STY HT	LGTH	WIDTH	AREA	DIA	HGT	UNIT COST	REPL COST	COND	% GOOD	DEPRECIATED VALUE
TRAILERS															
OCCUPANCY TRAILER	NAME	YEAR	SIZE	COLOR	MODEL NO	SERIAL NO	REPL VAL	PHYS DEPR	SOUND VAL						
TOTAL TRAILERS VALUE \$															
TOTAL ACCESSORY BLDGS VALUE \$															
TOTAL BLDGS VALUE \$															
INSPECTED BY	APPROVED BY										30498				

DIST.	MAP	PARCEL	BLDG CLS	DIMENSIONS	AREA	HGT	CUBE	STY HGT	EXT WALL CON	UNIT COST	TOTAL
CONTROL NO.			S-11A	50 x 118	5900	16		1	FR	12.88	75992
1 SQ. = _____ FT.											

TOTAL		PER/GRND AREA RATIO		TOTAL		TOTAL BASE COST		ADD & DEDUCTS	
336		17		5900		75992			
<p align="center">PRINCIPAL BUILDING DESCRIPTION</p> <input type="checkbox"/> REINF CONC <input checked="" type="checkbox"/> MASONRY <input type="checkbox"/> WD OR BLK PIER <input type="checkbox"/> STEEL L H <input type="checkbox"/> REF CON <input type="checkbox"/> STL COL <input checked="" type="checkbox"/> BRILL WD <input type="checkbox"/> WD POST LIN FT <input type="checkbox"/> BELOW AVRG <input type="checkbox"/> AVERAGE <input type="checkbox"/> GOOD STORE FR <input type="checkbox"/> STEEL L H <input checked="" type="checkbox"/> WD TR L H <input type="checkbox"/> STL JS L H <input type="checkbox"/> WD JS - FLT ROOF <input type="checkbox"/> OTHER <input type="checkbox"/> HPC <input type="checkbox"/> CON SL <input type="checkbox"/> CON PL <input type="checkbox"/> STL DK <input type="checkbox"/> WOOD ROOF SHTG <input type="checkbox"/> TILE <input type="checkbox"/> ALUM <input type="checkbox"/> GALV <input type="checkbox"/> T & G <input type="checkbox"/> COMP SHG <input type="checkbox"/> ROLL ROOFING <input type="checkbox"/> OTHER <input type="checkbox"/> REINF CONC <input checked="" type="checkbox"/> CONC <input type="checkbox"/> WOOD FLOORS <input type="checkbox"/> TILE SF <input type="checkbox"/> TERR SF <input type="checkbox"/> HW SF <input type="checkbox"/> SW SF FLR FINISH <input type="checkbox"/> DD SF <input type="checkbox"/> OFF: LG SF SML SF <input type="checkbox"/> APTS RMS DEV AREA <input type="checkbox"/> FW <input type="checkbox"/> 25 M-W <input checked="" type="checkbox"/> S M-W <input type="checkbox"/> MTL' <input type="checkbox"/> BRK <input type="checkbox"/> BLK PARTITIONS TOT FIX <input type="checkbox"/> SING FIX <input checked="" type="checkbox"/> 2 FIX <input type="checkbox"/> 3 FIX PLUMBING <input type="checkbox"/> NO. REST ROOMS QTY-SQ FT <input type="checkbox"/> RC POWER SF <input checked="" type="checkbox"/> RC/LIGHTING <input type="checkbox"/> BX-ROMEX WIRING <input type="checkbox"/> FAN UNIT <input type="checkbox"/> 2 PS <input type="checkbox"/> 1 PS <input checked="" type="checkbox"/> FHA <input type="checkbox"/> GRAV <input type="checkbox"/> STOVE <input type="checkbox"/> NONE HEATING <input type="checkbox"/> FIN SF <input type="checkbox"/> PART SF <input type="checkbox"/> FULL SF <input checked="" type="checkbox"/> NONE BASEMENT <input type="checkbox"/> OTHER <input type="checkbox"/> CONC <input type="checkbox"/> WOOD <input type="checkbox"/> DIRT <input type="checkbox"/> NONE BSMT FL <input type="checkbox"/> PART SF <input type="checkbox"/> FULL SF <input checked="" type="checkbox"/> C/COMB <input type="checkbox"/> REFRIG <input type="checkbox"/> WASH AIR COND <input type="checkbox"/> FIRE HOSE STA # <input type="checkbox"/> SPRKLR: SF <input type="checkbox"/> CON <input type="checkbox"/> EXP <input type="checkbox"/> NONE FIRE PROT. \$/4 4700 1.91 1259 <input type="checkbox"/> PASS. NO. CAP # <input type="checkbox"/> FRGT. NO. CAP # ELEVATOR OTHER OTHER OTHER OTHER									

ACTUAL AGE	1984 YRS	EFF AGE		PHYS COND	<input checked="" type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR	% GOOD	100%	TOTAL REPLACEMENT COST	\$	13000																																																																																																																																																										
OBsolescence		% OVRIMP		% UNDRIMP		% OTHER ECON		PHYSICAL VALUE	\$	11170																																																																																																																																																										
<p align="center">ACCESSORY ITEMS</p> <table border="1"> <thead> <tr> <th>ACCESSORY ITEMS</th> <th>GRADE</th> <th>EXT WALLS</th> <th>FLOOR</th> <th>DIMENSIONS</th> <th>AREA</th> <th>UNIT COST</th> <th>REPRO COST</th> <th>EFF AGE</th> <th>% GOOD</th> <th>VALUE</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>PAVING</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>FENCE</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>NOTES</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>INSPECTED BY</td> <td></td> <td>CHECKED BY</td> <td></td> <td>DATE</td> <td></td> <td>IMPROVEMENTS VALUE</td> <td></td> <td></td> <td></td> <td>\$</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>11170</td> </tr> </tbody> </table>											ACCESSORY ITEMS	GRADE	EXT WALLS	FLOOR	DIMENSIONS	AREA	UNIT COST	REPRO COST	EFF AGE	% GOOD	VALUE					X											X											X											X											X											X											X											X							PAVING											FENCE											NOTES											INSPECTED BY		CHECKED BY		DATE		IMPROVEMENTS VALUE				\$											11170
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ASSESSMENT DIVISION

ACTION CODE: 2

WORKED BY: LEO

DISTRICT: 3-35

MAP: 11

PARCEL: 93

TRL/UNIT:

NAME: MARSH

ADDRESS:

PROPERTY DESCRIPTION:

TRANSFER:

NEW VALUE: 68,000

OLD VALUE: 85,200

ACTION REASON: Improvement removed per field check

BILLING: 1980

Dave needed
5/6/80

ADVERTISING DIVISION

BOOKED BY:

DATE BOOKED:

TRUCKING

SALES

ADVERTISING

ADVERTISING

ADVERTISING

ADVERTISING

ADVERTISING

ADVERTISING

ADVERTISING

ADVERTISING

ADVERTISING

ADVERTISING

REASSESSMENT DIVISION

1-29-79

ACTION CODE: 2

WORKED BY: Leona
Joe

DISTRICT: ~~8~~
3-35

MAP: 11

PARCEL: 93

TRL/UNIT:

NAME: marsh

ADDRESS:

PROPERTY DESCRIPTION:

w/imp

TRANSFER:

NEW VALUE: 85200

OLD VALUE: 68000

ACTION REASON: Bldg Permit

BILLING:

79

2 / $\frac{42600}{85200}$

TL
3/15

ASSESSMENT DIVISION

WORKED BY:

ACTION CODE:

AMOUNT:

TAXABLE:

MAP:

DISTRICT:

DATE:

ASSESS:

PROPERTY DESCRIPTION:

1973

OLD VALUE

NEW VALUE

NEW VALUE

NEW VALUE

REASSESSMENT DIVISION

8124183

ACTION CODE: 2

WORKED BY: ST

DISTRICT: 3-35 MAP: 11

PARCEL: 93

TRL/UNIT:

NAME: Wilson

ADDRESS:

PROPERTY DESCRIPTION:

ACREAGE:

TRANSFER:

LAND CLASS: CO

OLD VALUE: 68,000

LAND VALUE: 68,000

IMP. VALUE: 30,500

TOTAL VALUE: 98,500

ACTION REASON: BP# 71820
Added Dwelling

BILLING: 84

CARTEL

ST
8/29/83

REASSESSMENT DIVISION

8-7-85

ACTION CODE: 2

WORKED BY: m.s.

DISTRICT: 3-3\$ MAP: 11 PARCEL: 93 TRL/UNIT:

NAME: Creative

ADDRESS:

PROPERTY DESCRIPTION:

ACREAGE:

TRANSFER:

LAND CLASS:

OLD VALUE: 109 900

LAND VALUE: 68000

IMP. VALUE: 111200

TOTAL VALUE: 179200

84600
2/179200
16/12
18/12

Done on
date
8-14-85

ACTION REASON: B.P.# 84295 remodel.

BILLING: Q.B. for diff.

CS
8/28